

**TOWN OF PARADISE, UTAH
SUBDIVISION ORDINANCE**

Planning Commission Approval:

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ORDINANCE NO. 12-141

AN ORDINANCE DEFINING AND REGULATING SUBDIVISIONS

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ORDINANCE NO 12-141

AN ORDINANCE DEFINING AND REGULATING SUBDIVISIONS

SECTION I: GENERAL PURPOSE - SCOPE - DEFINITIONS

I-1 PURPOSE

The purpose and intent of this ordinance is:

A. To promote the health, safety, convenience, and general welfare of the residents of Paradise in matters relating to the subdivision, re-subdividing, and development of land.

B. To promote the efficient and orderly growth of Paradise and to assist in implementing the objectives, policies, and programs of the master Plan.

C. To assure that a proper survey of the properties is made to avoid land discrepancies.

D. To assure that each lot meets the zoning requirements.

E. To assure that each lot meets the health requirements for individual waste disposal systems.

F. To assure that each lot is adequately provided with proper street frontage and access, utility easements, culinary water, irrigation water, fire protection, etc., to the standards of Paradise Town.

G. To ensure that the subdivider(s) bear all costs of improving and providing land for streets and easements, and for extending culinary and secondary water to the subdivision site.

I-2 SCOPE OF ORDINANCE

A. No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of Paradise, except in compliance with this ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance and other local regulations. This Ordinance shall not apply to lots legally created prior to the adoption of this Ordinance, unless they are further subdivided after the creation of this ordinance.

B. A subdivision refers to the division of any tract, lot, or parcel of land recorded as an undivided tract in the County Recorder's office at the time of the adoption of this Ordinance, into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided that this definition shall not include a bona fide division of land for agricultural

commercial, manufacturing, or industrial purposes where no new streets are required or are to be dedicated for public use. Property divided for agricultural, commercial, or industrial purposes shall not be converted to residential use without meeting the requirements for a subdivision as set forth in this Ordinance.

C. Building permits will not be issued on parcels which have been created in violation of this Ordinance. Furthermore, those improvements which are required to be in place prior to the issuance of building permits must be completed before such issuance.

D. Any land divided for any purpose into two (2) or more parts after the adoption of this Ordinance shall be subject to the provisions and regulations herein, except for the bona fide divisions for partition of commercial land for commercial purposes; agricultural lands for agriculture purposes; and industrial land for industrial purposes, as defined herein.

E. All lots, plots, or tracts of land located within a subdivision shall be subject to this ordinance whether the tract is owned by the SUBDIVIDER or a subsequent purchaser, transferor, or holder of the land.

F. Subdivisions are subject to all other applicable ordinances of Paradise Town including, but not limited to design and construction standards and Zoning ordinances.*****

I-3 DEFINITIONS

Attorney: The person selected or appointed by the GOVERNING BODY to represent Paradise as the Town's ATTORNEY.

Bench Mark: The mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

Bona Fide Division of Land:

1. Bona Fide Division of Agricultural Land for Agricultural Purposes: The division of agricultural land into two (2) or more lots for which the PLANNING COMMISSION makes the following written findings of fact upon petition for such findings by a land owner:*****

- a. No urban services will be required by said division of agricultural land.
- b. The purpose and use of each of the lots in the division shall be for agriculture, not for investment, building development, I recreational use, cabin or other agricultural industry or business.
- c. Each of the parcels created has access to an existing public street or to a private street approved by the PLANNING COMMISSION and the GOVERNING BODY.
- d. Each of the lots created shall be found by the PLANNING COMMISSION to be capable of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural lot entity now or in the future. Among the controlling facets used in making a decision as to whether a

division of land is or is not a bona fide division or partition of agricultural land for agricultural purposes, the PLANNING COMMISSION and the GOVERNING BODY shall make findings as to the availability of water for irrigation or stock watering purposes; the class of the soil and depth of the soil mantle; the slope of the land, past history of agricultural production, and the present state of agricultural technology.

2. Bona Fide Division of Commercial Land for Commercial Purposes: The division of commercial land into two (2) or more parcels for which the PLANNING COMMISSION make the following written findings or fact upon petition for such, findings by a land owner:****

- a. The purpose and use of each of the lots in the division shall be for commercial purposes and not for manufacturing, warehousing, construction, or assembly of goods; agricultural production, recreation, or residential housing.
- b. Each of the lots created has access to a public street or highway or to a private street approved by the PLANNING COMMISSION and the GOVERNING BODY.
- c. Each of the lots shall have an adequate water supply.
- d. Each lot shall have access to adequate sewage collection and disposal facilities.

3. Bona Fide Division of Industrial Land for Industrial Purposes: The division of industrial land into two (2) or more parcels for which the PLANNING COMMISSION makes the following written findings of fact upon petition for such findings by a land owner:****

- a. The purpose and use of each of the lots in the division shall be for industrial purposes, and not for on-premise sales, display of goods, agricultural production, recreation, or residential housing.
- b. Each of the lots created has access to a public street or highway or to a private street approved by the PLANNING COMMISSION and the GOVERNING BODY.
- c. Each of the lots shall have an adequate water supply.
- d. Each lot shall have access to adequate sewage collection and disposal facilities.

Buildable Area: The portion of a lot remaining after the required yards have been provided, and having a slope less than fifteen (15) percent. Land with an average slope exceeding fifteen (15) percent shall not be considered as buildable unless it is approved by a conditional use permit.

Building Official: The person designated by the Paradise Town Council as the BUILDING OFFICIAL or BUILDING INSPECTOR.

Commission or Council: The Paradise Town Council or Paradise Planning Commission representing the COMMUNITY.

Community: The city, county, or town adopting this Code.

Conditional Acceptance: A written notice to the Subdivider establishing the date beginning his two (2) year guarantee period.

Construction Standards: The MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS adopted by the Paradise Town Council which include but shall not be limited to: drawings, tables, charts, and references which establish minimum standards for the design and construction of subdivision requirements.

Condominium: The ownership of a single unit in multi-unit project, together with an individual interest in common in the common areas and facilities of the property as provided by State Law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in structures, whereas in subdivisions such ownerships are in land. For regulation purposes, the development of a condominium project is treated by Utah State Law and by this Code as a subdivision; therefore, condominium developments must comply with the subdivision regulations of this Code.

Cost Sharing Agreement: An agreement entered into between the SUBDIVIDER and intervening property owners (and in some cases, Paradise Town) whereby the SUBDIVIDER will be reimbursed proportionately for installing improvements over intervening properties.

Crosswalk or Walkway: A right-of-way designated for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk, walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

Cul-De-Sac: A street which is designated to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this Code, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to the center of the turnaround.

Culinary Water Facilities: Water, water supply, pipelines, pumps, springs, wells, and/or any other physical facilities necessary to provide a sufficient quantity of approved quality water to each lot.

Developer: See SUBDIVIDER

District Sanitarian: The local health officer from the Bear River District Health Department. The District Sanitarian must approve and issue permits for individual waste and disposal systems.

Easement: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use on, under, or above said lot or lots.

Engineer Town: The person elected or appointed by the Paradise Town Council to represent Paradise as their ENGINEER, especially for the purpose of reviewing subdivision proposals.

Essential Facilities: Each SUBDIVIDER shall provide or make provisions for the full and beneficial use of each owner in the subdivision the following minimum facilities:

1. Culinary water supply in adequate supply and quantity to each dwelling unit.
2. Adequate water for irrigation of lawns, gardens and shrubs.
3. Sanitary sewers and sewage disposal facilities or approved individual sewage disposal facilities.
4. Storm water collection and disposal facilities.
5. Improved roads including sidewalk and curb and gutter, when sidewalk, curb and gutter, are not waived by the PLANNING COMMISSION and TOWN COUNCIL.
6. Electricity and distribution system.
7. Telephone lines.****
8. Natural gas and distribution facilities where gas is available.
9. Provisions for communications*****

Final Acceptance: A written notice to the SUBDIVIDER establishing the date of termination of the SUBDIVIDER'S guarantee period. This notice shall be given only after all defective improvements have been repaired and/or replaced. All of the improvements shall be inspected by the ENGINEER and certified to as complying with the CONSTRUCTION STANDARDS before the Paradise Town Council can issue a notice of Final Acceptance.

Final Plat: A map or chart of a subdivision which has been accurately surveyed and such survey marked on the ground so that streets, lots, and other divisions thereof can be identified. The plat must be drawn accurately to scale with permanent black ink on approved Mylar and have all measurements, data certificates, and dedications required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder.

Fire Fighting facilities: Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provision of this Ordinance for fire suppression.

Flood Hazard: A water hazard to land or improvements due to inundation or due to overflow, water having sufficient velocity to transport or deposit debris, scour the surface soils, dislodge or damage buildings, erode the banks of water channels, and/or flood basements.

Flood Plain: Areas adjacent to any streams, ponds or lakes which are subject to the 100-year recurrence interval floods as shown on maps prepared by the U.S. Army Corps of Engineers, or a similar study

conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

Geological Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: rock falls, slide areas, flood plains, fault lines, high water table, and other groundwater problems such as liquefaction, etc.

Governing Body: The TOWN COUNCIL of Paradise Town.

Improvements, Subdivision: Work, objects, devices, facilities or utilities required to be constructed or installed for the development of land for residential, commercial, industrial, or recreational uses. Such improvements may include, but are not limited to street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction necessary for the proper development of the proposed land development project as required by this ordinance, the CONSTRUCTION STANDARDS, or by the PLANNING COMMISSION and/or the Paradise Town Council.

Improvements Agreements: An agreement between the Paradise Town Council and SUBDIVIDER, wherein the SUBDIVIDER agrees to install the Subdivision Improvements required by this Code, the CONSTRUCTION STANDARDS, or by the PLANNING COMMISSION and/or the Paradise Town Council for the necessary property development of the proposed land development.

Intervening Property: Any property located between the legally described perimeter of the subdivision and any existing public facilities or utilities.

Health Officer: See DISTRICT SANITARIAN.

Lot: A parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision plat or condominium plot map.

Lot Area: The area contained within property lines of the individual parcels of land shown on the subdivision plat or required by this Code, including the area of any easements, excluding any area within an existing street, right-of-way, or any area required as open space under this Code.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth: The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

Lot Frontage: The length, in feet, of the front lot line which is co-terminus with the front street line.

Lot Frontage Required: The length, in feet, of the front lot line which is co-terminus with the front street line.

Lot held In separate Ownership: Shall mean all contiguous land held in one ownership at the time of the passage of this Code or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one or more than one property tax notice or is otherwise divided on paper.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines bounding the lot.

Lot Line Front: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line Rear: Ordinarily, that line or lines of a lot which are opposite and most distant from the front line of the lot.

Lot Line Side: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot Restricted: A lot having an average slope of fifteen (15) percent or more; a lot which does not contain a buildable area at least one hundred sixty-five (165) feet by three hundred thirty (330) feet; a lot which because of type of soils, flood hazard, geology or topography requires special engineering and/or architectural designs and/or considerations. Restricted lots are prohibited unless geotechnical design solutions to problems associated with such lots have been prepared by a qualified professional team and approved by the PLANNING COMMISSION.

Lot Width: The horizontal distance between the side lot lines measured at the required front yard setback line or rear yard setback line, whichever is shorter.

Lot, Unrestricted: A lot having an average slope of less than fifteen (15) percent and containing a buildable area of at least one hundred sixty-five (165) feet by three hundred thirty (330) feet, with an average slope of less than fifteen (15) percent, which buildable area is designated as such on the subdivision plat.

Master plan: A plan which has been prepared and adopted for the purpose of guiding development and which has been adopted by Paradise as the "Comprehensive Plan of Paradise, Utah."

Master Street Plan: A map which shows existing public streets and which has been officially adopted by the PLANNING COMMISSION as the master street plan.

Market Analysis: An economic analysis of the feasibility of a project.

Official Map: A map which has been officially adopted by the Paradise Town Council according to state law and which includes the major street plan.

Off-Site Facilities and Utilities: Facilities and utilities installed in, under, upon, or over other property outside the legally described perimeter of a subdivision which are required for the proper development of such subdivision and which may be located and designed to serve such other property.

On-Site Facilities and Utilities: Facilities and utilities installed in, under, upon, or over public streets, rights of way or easements within the legally described perimeter of a subdivision.

Open space: Land used for recreation, agriculture, resource protection, or buffers, and is freely accessible to all residents of the subdivision except in the case of agricultural lands where access may be restricted. The open space land shall be shown on the subdivision plats with the necessary instruments being filed with the County Recorder to ensure that it remains in perpetuity for such uses as defined in the covenants and agreements establishing the open space. Open space does not include land occupied by non-recreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single or multiple family dwelling units or parking areas as required by the provisions of this Code. Open space should be left in a natural state, except in the case of recreational uses which may require the construction of certain improvements for the benefit of the residents of the subdivision.

Open Space Usable: Usable open space shall be any portion of a lot or building which meets all the following conditions:

1. The open space shall be open to the sky and shall be open to view on at least two sides.
2. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.
3. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the BUILDING OFFICIALS to assure reasonably safe usage by children and adults.
4. The space shall not be provided from any required front or side yard, parking area, or driveway space.

Oversized Facilities and Utilities: Facilities and utilities which are designed, with added capacity, width, depth, etc., with the express

purpose of making service available to other properties outside the legally described perimeter of the subdivision.

Parcel of Land: A contiguous area of land in the possession or ownership of a person described by one or more descriptions on file with the County Recorder.

Permanent Monument: Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of this Code.

Permitted Use: A use of land which is allowed within a particular zoning district without the necessity of obtaining a conditional use permit.

Perpetual Care Fund: Also referred to as perpetual maintenance trust fund, this fund is set aside by the developer for the purpose of maintaining open spaces within a development that has been set aside for recreational or park use. The amount of the fund set aside must be satisfactory to and approved by the Paradise Town Council.

Person: An individual, individuals, tenants in common, joint tenants, corporation, partnership, firm, limited partnership or association or individuals however styled or designated.

Planner: The PLANNER employed by or officially representing Paradise Town.

Planning Commission: The PLANNING COMMISSION of Paradise Town.

Planning Commission Staff: The professional staff consisting of the ENGINEER, PLANNER and such other professionals or experts is selected by the PLANNING COMMISSION to assist in the subdivision review.

Preliminary Plat: A drawing to scale, representing a proposal to subdivide a tract, lot or parcel of land, but which does not have the certificates and dedications necessary for acceptance by Paradise Town.

Presiding Official: The Mayor of Paradise Town.

Protection Strip: A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property owners abutting the subdivision.

Right-Of-Way: That portion of land dedicated to public use for street and/or utility purposes or maintained in private ownership for similar purposes.

Roadway Width: The distance back to back of curb or curb-gutter. On roadways where gutter or curb-gutter has been waived, the width shall be the actual width of the paved area.

Sewage Facilities: Sanitary sewers, sewage treatment plants, or approved individual sewage disposal facilities.

Sketch plan: A scaled drawing on a topographic base map that shows the location of the proposed subdivision, a concept layout, and the general location of existing roads, utilities, major natural features, public features, etc. Items to be included in Sketch Plan are listed in Section V-3-F.

Street Public: A thoroughfare which has been accepted and is or will be maintained by Paradise Town and which:

1. Paradise Town has acquired by prescriptive right; or
2. Paradise Town owns; or
3. Have been approved by the PLANNING COMMISSION and offered for dedication on an approved final subdivision plat; or
4. Is a thoroughfare at least ninety-nine (99) feet in width which has been abandoned or made public by right of use; or
5. Provides access to abutting property.****

Street Major: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term identifying those streets comprising the basic structure of the Master Street Plan.

Street, Collector: A street, existing or proposed which is the main means of access to the major street system, and shall have a right-of-way equal to that shown on the Master Street Plan.

Street, Minor: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood, and shall have a right-of-way equal to that shown on the Master Street Plan.

Street, Private: A thoroughfare at least ninety-nine (99) feet in width, within a subdivision which has been reserved by dedication unto the SUBDIVIDER or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the COMMUNITY and to be maintained by the SUBDIVIDER or other private agency.****

Street, Stub: A street extending from within the subdivision to the boundary thereof and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit access to adjacent parcels of land.

Street, Cul-De-Sac: A minor terminal street provided with a turnaround (see Cul-De-Sac.)

Subdivider: An individual; corporation, or registered partnership owning or controlling any tract, lot, or parcel of land to be subdivided; or a group of two or more persons owning any tract, lot or parcel of land to

be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

Subdivision: The division of any tract, lot or parcel of land recorded as an undivided tract in the County Recorder's office at the time of the adoption of this Ordinance, into two or more lots, plots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided that this definition shall not include a bona fide division of land for agricultural, commercial, manufacturing, or industrial purposes where no new streets are required or are to be dedicated for public use. Property divided for agricultural, commercial, or industrial purposes shall not be converted to residential use without meeting the requirements for a subdivision as set forth in this Ordinance. (See Bona Fide Division of Land.) For the purpose of these regulations a division of land and shall include:*

*Amended September 29, 1994

- a. The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision".
- b. Re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

Surveyor: The person elected or appointed by the Paradise Town Council to represent Paradise as their SURVEYOR.

Urban Services: Those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, culinary water, irrigation water, sewage collection and treatment facilities, police and fire protection.

Utilities: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power, gas and telephone transmission lines, underground conduits and their appurtenances.

Vicinity Map: A map or drawing to scale of any area proposed for development, showing the location of the proposed subdivision, existing and proposed streets, buildings, public facilities and utilities within the general influence area of the proposed subdivision within one (1) mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for subdivision; water courses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for subdivision, significant vegetative patterns on and in the immediate vicinity of the land proposed for subdivision.

Water Facilities: Culinary water facilities includes the water, water supply, springs, wells, transmission, and distribution pipe lines, service laterals, pumps, valves, fittings, reservoirs, fire hydrants, and all appurtenant facilities necessary to provide and deliver a sufficient

quantity of an approved quality of water to each lot and/or dwelling unit. A sufficient quantity of water Shall be defined as follows:

1. For lots not served by a secondary water system, the culinary water facilities shall be designed and constructed so as to furnish 1.1 gallons per minute of water at 40 psi minimum to each dwelling unit or each 10,000 square foot lot of area.
2. For lots with a secondary source of water the quantity of water may be reduced to 0.55 gallons per minute for each lot and/or dwelling unit.
3. Fire suppression water facilities shall be included in the culinary water facilities and shall include the water supply and delivery capabilities adequate to furnish 500 gallons per minute minimum at 40 psi from each of two fire hydrants.****
4. Secondary water facilities include the water, water supply, spring, wells, transmission, and distribution pipelines, service laterals or connection, pumps, valves, fittings, reservoirs, and all appurtenant facilities necessary to provide and deliver 3.0 acre feet of water, at 40 psi minimum, to each acre of lot area***

Zoning Ordinance: The zoning ordinance of Paradise, "Paradise, Utah zoning Ordinance and map.

SECTION II: DOCUMENT SUBMISSION AND REVIEW PROCEDURES

II - 1 GENERAL REQUIREMENTS

A. All applications and submittals are to be reviewed at regularly scheduled PLANNING COMMISSION meetings. Whenever applications to the PLANNING COMMISSION for formal action are required by this Code, application materials must be submitted to the Town Recorder two weeks prior to the regularly scheduled public meeting of the PLANNING COMMISSION.

B. Time Periods for PLANNING COMMISSION Action: Time periods for PLANNING COMMISSION action shall not begin to run until after all fees are paid and complete applications are officially received and reviewed at the PLANNING COMMISSION meeting.

C. Pre-Submittal Procedures: To facilitate the handling of applications, the PLANNING COMMISSION may, from time to time, adopt additional pre-submittal procedures to allow for adequate investigations and staff review and may require compliance with such pre-submittal review procedures as a prerequisite to formal receipt and action by the PLANNING COMMISSION. Pre-submittal review shall in no way be interpreted to mean a review by the PLANNING COMMISSION.

D. Fees: Fees may be charged applicants for subdivision applications, zoning amendments, conditional use permits, design review, and such other services as are required by this Code. Such fees shall be established by the Paradise Town Council by resolution and shall be in amounts reasonably needed to defray costs to the public.

E. Docketing for Review: Upon receipt of all required writings, fees, and materials for any specific stage of the review procedure, the Planning COMMISSION shall docket the application for review. Incomplete submittals shall not be docketed for PLANNING COMMISSION review but shall be returned to the SUBDIVIDER for completion.

F. Approval or Disapproval: At each step of the review procedure, the PLANNING COMMISSION shall approve or disapprove of the writings and materials submitted to it, and where applicable, shall approve or disapprove of the entire application or any portion thereof. Any approval or disapproval made by the PLANNING COMMISSION shall be in the form of written findings of fact and conclusions, which findings and conclusions shall be made available to the applicant and all parties concerned, by the PLANNING COMMISSION within twenty five (25) calendar days of the PLANNING COMMISSION meeting at which the application was reviewed.

G. Copies: A minimum of five (5) copies of all required materials shall be submitted to the PLANNING COMMISSION at each step of the review process. Additional copies may be required by resolution of the PLANNING COMMISSION.

H. Formal action: Formal action on any application, i.e., action approving or denying an application, shall be taken only at regularly scheduled or officially called meetings of the PLANNING COMMISSION.

I. Public Meeting: Unless specifically required by this Code or other applicable law, no public hearing need be held for subdivision review. However, a hearing may be held when the PLANNING COMMISSION shall deem such a hearing to be necessary and in the public interest. Whenever a public hearing is held, notice thereof shall be given as required by applicable law or if there is not otherwise applicable law, then by a method reasonably calculated to give notice to interested parties. Such notice shall be given a minimum of fifteen (15) calendar days prior to the public hearing or as required by state law, whichever period of time is greater. Failure of interested parties to receive actual notice of said hearing shall in no way affect the validity of action taken.

J. Application Forms: Application for any required PLANNING COMMISSION action shall be submitted on forms prepared for that purpose by the PLANNING COMMISSION.

K. Retention of Plans: Plans, specification, and reports for all application: submitted to the PLANNING COMMISSION shall become the property of the public and shall be retained by the COMMUNITY for a minimum period of two (2) years.

L. Sketch Plans, Preliminary Plats, and Final Plats: are required for all subdivisions, mobile home parks, mobile home subdivision, and recreational vehicle parks.

M. SUBDIVIDER'S Responsibility: Approval of the Sketch, Preliminary and/or Final Plat and the supporting documents by the PLANNING COMMISSION and/or the ENGINEER shall not be construed to waive the responsibility of the SUBDIVIDER and/or his engineer/surveyor of complying with any section of this ordinance unless such waiver is in writing signed by the Chairman of the PLANNING COMMISSION and approved by the Paradise Town Council, or of complying with all other applicable laws, rules, and regulations applicable to the development of the subdivision.

N. Resubmittal Design Review Fees:

1. In order to minimize the cost of reviewing the plans, drawings, and data for compliance with the local ordinances, the SUBDIVIDER and his engineer shall assure themselves that they have read and are completely familiar with the local ordinances relating to subdivision of lands within the Paradise Town's boundaries.

2. The initial design review fee shall entitle the SUBDIVIDER to a preliminary and a final review of the preliminary plat and its supporting data, and a preliminary and final review of the Final Plat, plans, and drawings. Plans and drawings which are incomplete, inaccurate and not in compliance with this ordinance will be returned without action. If plats, plans, or drawings are resubmitted for additional review which requires additional work on the part of the ENGINEER, then the SUBDIVIDER and/or his engineer shall be required to pay any and all costs incurred by Paradise Town for such additional reviews before the plat will be approved by the PLANNING COMMISSION.

II - 2 APPROVAL PROCESS

Applications and documents are to be submitted and reviewed in four steps. Each step shall be reviewed by the appropriate personnel and their recommendations shall be forwarded to and reviewed by the PLANNING COMMISSION before any action shall be taken by that body. The steps in the approval process are as follows:

Step 1. Prior to subdividing any tract of land, a SUBDIVIDER and his engineer shall comply with the following requirements:

1. Obtain or possess a copy of the current subdivision ordinance and become completely familiar with all of its requirements. The SUBDIVIDER, and his engineer shall meet with the PLANNER and/or ENGINEER who review the proposed subdivision with them to determine general appropriateness of the location, the zoning, the location of the nearest utilities and vehicle access, and advise the applicant regarding preparation of the documents required by this ordinance. This meeting with the PLANNER and/or ENGINEER shall not relieve the SUBDIVIDER of his responsibility to comply with all of the provisions of this ordinance. The Paradise Town Council, upon

receipt of a recommendation from the PLANNING COMMISSION, is the only authority that can waive, modify, or vary the requirements of this ordinance. (See Conditional Use Permit).

2. Submit Sketch Plan to PLANNING COMMISSION. Applicants shall submit a Sketch Plan to the PLANNING COMMISSION which shall enable the applicant and the PLANNING COMMISSION to have an informal review of a proposed project for general scope and conditions which might affect the proposed project and/or the local area. The PLANNING COMMISSION shall either approve or reject the Sketch Plan, with or without conditions. Items to be included in Sketch Plan are listed in Section V-3-F.

3. The Sketch Plan review procedure is as follows:

a. The PLANNING COMMISSION, or its authorized representatives shall upon receipt of the complete Sketch Plan submission, distribute copies of the plan to such governmental departments and other agencies for review and comment as in the opinion of the PLANNING COMMISSION may contribute to a decision in the best interests of the public. The PLANNING COMMISSION or its authorized representative shall review the Sketch Plan submittals for substantive content, for compliance with the Master Plan, Ordinances, and other regulations of the COMMUNITY. The PLANNING COMMISSION after completion of their review shall notify the SUBDIVIDER, in writing, of the Sketch Plan review findings, including approval or denial of the application, as well as reasons for denial, such as questionable design or engineering feasibility, inadequacy of submittals, noncompliance with local regulation, and the need for other information which may assist the PLANNING COMMISSION to evaluate the proposed subdivision. If it is determined by the PLANNING COMMISSION that the proposed development would violate local ordinances and regulations, no further review of the proposed development shall be made and it shall be returned to the SUBDIVIDER with written notification. Other than as mentioned above, the denial of the application for the Sketch Plan approval shall not constitute an absolute disapproval of the proposed development, but rather shall operate in such a manner as to give the SUBDIVIDER guidance as to the requirements and constraints for development within Paradise Town. Once Sketch Plan approval is granted, the SUBDIVIDER may proceed to Step 2 and submit the Preliminary Plat. If the Preliminary Plat approval for a proposed development has not been obtained within one (1) year of the date on which the Sketch Plan was approved, a resubmittal of the Sketch Plan shall be made to the PLANNING COMMISSION and approved by them prior to filling an application for Preliminary Plat approval.

Step 2. Preliminary Plat Approval. Submit Preliminary Plat to the PLANNING COMMISSION and pay the required application and design review fees. The Preliminary Plat shall provide design solutions to problems

identified in the approved Sketch Plan and ascertained during the design process. The PLANNING COMMISSION shall either approve, conditionally approve, or reject the Preliminary Plat. Conditional approval shall require the SUBDIVIDER to resubmit Preliminary Plat that has satisfied the conditions stated in the Conditional Approval.

1. Submission of Preliminary Plat. At least two weeks prior to the date of a regularly scheduled meeting of the PLANNING COMMISSION, the SUBDIVIDER shall submit eight (8) copies of the Preliminary Plat and all required supporting documents of the proposed subdivision to the Town Recorder together with the required filing fees. Incomplete plats and supporting documents will be returned to the SUBDIVIDER without action and will not be accepted for review until complete and resubmitted at least two weeks prior to another regularly scheduled meeting of the PLANNING COMMISSION.

2. Plat Requirements are included in Section V-3-G.

3. Plat and required supporting documents:

a. One (1) copy of an application for approval of a Preliminary Plat and all other following required supporting documents.

b. A minimum of eight (8) copies of the Preliminary Plat.

c. One (1) additional print is required when the property being subdivided abuts a State Highway.

d. Two (2) copies of the on-lot sewage disposal report approved by DISTRICT SANITARIAN.

e. If services are to be provided by some agency other than Paradise Town, a letter is required from the municipality, district, or other public agency which is to provide water and/or sewage service to the proposed subdivision. The letter should state that they have required capacity and capability to provide the required service and include the conditions upon which the service will be provided.

f. A letter from each utility company involved addressed to PLANNING COMMISSION, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements. The plan as approved by the utility company shall be initialed by an official of the company and furnished to the PLANNING COMMISSION.

g. Statement of the estimated starting and completion dates for each phase of development, including the grading work proposed and any landscape work that may be required.

h. A certificate of title insurance for land to be dedicated to Paradise Town.

I. Trust agreement for perpetual care funds.

j. A copy of proposed protective covenants, articles of incorporation, association or condominium, bonds and guarantees. Be it known that in order to encourage community diversity, no restrictive covenants that are discriminative or prohibitive of age, race, or income in nature will be allowed in any subdivisions.**

k. Appropriate supporting documents showing that potable water will be available to the SUBDIVIDER in the quantities required by this code.

l. Estimated construction cost and proposed method of financing of all improvements including the streets and related facilities; water facilities; sewage facilities; storm drainage facilities; electrical distribution system; and all such other utilities as may be necessary.

m. Evidence that the applicant has sufficient financial capability and adequate control over the land to effectuate the proposed use.

n. Names and addresses of owners within three hundred (300) feet.

The Town Recorder shall issue a receipt to the SUBDIVIDER for the Preliminary Plat application and supporting documents when it has been determined that the submission includes all of the requirements set forth in these regulations. The date of the PLANNING COMMISSION meeting to review the plans shall be specified on the receipt, said date shall be not less than twenty-five (25) calendar days no more than forty-five (45) calendar days from the date of receipt by the PLANNING COMMISSION.

4. Plat review: The Preliminary Plat review procedure is as follows:

a. The PLANNING COMMISSION or its authorized representative shall, upon receipt of the complete Preliminary Plat submission distribute three (3) copies of the plat to the ENGINEER and one (1) copy each to such other governmental departments and other agencies for review and comment as in the opinion of the PLANNING COMMISSION may contribute to a decision in the best interests of the public. One (1) print shall be delivered by the PLANNING COMMISSION staff to each of the following for the information and recommendation: the school district the fire department and to each company or agency furnishing water, sewage collection and treatment, electric, gas, and telephone service. Each district, department, company or agency shall be requested to review the plat and the site and prepare recommendations concerning feasibility of providing services and the placement of easements. The district, department, company or agency may

sketch recommended alterations on a copy of the plat and return that copy with comments directly to the Town Recorder at least fifteen (15) calendar days in advance of the proposed presentation of the Preliminary Plat to the PLANNING COMMISSION. The Town Recorder shall promptly furnish all data received to the ENGINEER for inclusion on his copies of the Preliminary Plat. Failure of any of the recipient departments or agencies to respond to the PLANNING COMMISSION with comments concerning the development within fifteen (15) days of receipt of a copy of the Preliminary Plat from the PLANNING COMMISSION shall be construed as indicating that such agency or department has no adverse concern with the proposed development. The PLANNING COMMISSION shall consider the application for Preliminary Plat approval at its next regularly scheduled public meeting following the twenty-five (25) to forty-five (45) day review and processing period. The review and processing period shall be measured from the date on which the Preliminary Plat application is officially receipted.

b. The PLANNING COMMISSION shall approve those Preliminary Plats which the COMMISSION finds:

1. To be developed in accordance with the intent, standards and criteria specified in this Code, the zoning ordinance, the major street plan, the Master Plan, and all other applicable local regulations.
2. To be in conformance with the approved Sketch Plan.
3. That the development will not create a financial obligation for Paradise Town.
4. That the development will not create an environmental impact which will adversely affect the health, safety, and welfare of the inhabitants of Paradise Town.

c. The PLANNING COMMISSION shall determine from the review of the Preliminary Plat the need for an environmental impact analysis, which would take into account the soil, slope, vegetation, drainage and other geological characteristics of the site. If development of the Subdivision site requires substantial cutting, clearing, grading or other earthmoving operations or will otherwise create, augment or expand an erosion or other geologic hazard, the PLANNING COMMISSION shall require the SUBDIVIDER to provide soil erosion, geological hazard, and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a qualified professional with the costs of preparation of such plans and specifications being borne by the SUBDIVIDER.

d. When the Master Plan indicates a public facility or facilities are to be located within the boundaries of the

proposed Subdivision, the SUBDIVIDER shall reserve a site appropriate in area and location for such public facility. Such site shall be reserved by the SUBDIVIDER for a period of not to exceed one (1) year from the date of Preliminary Plat approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the PLANNING COMMISSION to require such a reservation by a SUBDIVIDER shall be made in writing and shall state the reasons for such requirements.

e. Within forty-five (45) days after the date established as beginning the PLANNING COMMISSION review period and at a regularly scheduled meeting, the PLANNING COMMISSION shall approve, disapprove, or approve with conditions the Preliminary Plat and notify the SUBDIVIDER in writing of such action, or may postpone action to allow the SUBDIVIDER time to provide additional material or information as needed by the PLANNING COMMISSION.

f. Notification of adjacent property owners: At least seven (7) days prior to the PLANNING COMMISSION meeting the Town Recorder will notify the property owners, of property abutting the boundary of the proposed Subdivision, by a written notice of the time, date and place where the PLANNING COMMISSION will consider giving preliminary approval to the Subdivision. The SUBDIVIDER shall provide the PLANNING COMMISSION with the names of all persons to whom the notice is to be given. Failure of adjacent land owners to receive actual notice of meeting shall in no way affect the validity of the action taken.

g. The PLANNING COMMISSION may approve or reject the Preliminary Plat, or conditionally grant approval. The PLANNING COMMISSION'S conditional approval shall include those written conditions necessary to cause the Subdivision plat to be in compliance with the requirements of Paradise Town ordinance. Approval of the Preliminary Plat by the PLANNING COMMISSION shall not constitute final acceptance of the Subdivision by the PLANNING COMMISSION. One (1) copy of the approved Preliminary Plat with written conditions attached and signed by the Chairman of the planning commission shall be given to the SUBDIVIDER and one (1) copy to the ENGINEER. Receipt of this signed copy shall be authorization for the SUBDIVIDER to proceed to Step 3 and with preparation of plans and specifications for the minimum improvements required in this ordinance and with the preparation of the Final Plat. Prior to the construction of any improvements required in this ordinance and prior to the submission of any guarantee, the SUBDIVIDER shall furnish and receive approval of all plans, information, and data necessary for subdividing the land and installing the improvements. The construction of buildings or improvements shall not begin until after recording of the Final Plat. The approval of the Preliminary Plat shall expire unless a Final

Plat based thereon is submitted within one (1) year from the date of such approval.

Step 3. Submit the Final Plat, construction drawings, and supporting document to the PLANNING COMMISSION accompanied with the appropriate design review fees. The Final Plat and drawings shall provide complete technical and engineering solutions in order that the land may be properly subdivided and all improvement located and constructed in compliance with this ordinance and the Construction Standard of Paradise Town.

1. Submission of Final Plat. At least two weeks prior to the next established PLANNING COMMISSION meeting, the SUBDIVIDER shall submit at least three (3) copies of the Final Plat, construction drawings and supporting documents to the Town Recorder together with the required design review fees. Plats, plans, and supporting documents not received as required herein shall not be considered as accepted until the next regularly scheduled PLANNING COMMISSION meeting. Incomplete plats, plans and supporting documents will be returned without action and shall be considered as having received a preliminary review. The date of the regularly scheduled PLANNING COMMISSION meeting at which the Final Plat and supporting documents are officially received shall be the starting date for the review period.

2. Plat Preparation. The Final Plat, covering all or part of the Subdivision, as approved by the PLANNING COMMISSION in Step 2 shall be prepared and certified to by a licensed engineer and/or land surveyor not in the employ of Paradise Town in conformance with the design standards contained herein. The Final Plat, plans and supporting documents must be submitted within one (1) year from the date of Preliminary Plat approval unless the time is, in writing, extended by the PLANNING COMMISSION. Otherwise, such approval shall be deemed to have lapsed, and the SUBDIVIDER shall revert to Step 2. The Final Plat shall be accompanied by a letter of certification by the Subdivider's engineer indicating that all lots meet the requirements of the Subdivision and zoning ordinance. The notice of this subsection shall not be waived by the PLANNING COMMISSION. Plat requirements are included in Section V-4.

3. Phase Development. Final Plat approval may be granted on less than the entire project covered by the Preliminary Plat approval. Final Plat approval on projects containing more than (10) lots shall be done in phases. The development of the project shall be in an orderly manner and in such a way that all phases will be contiguous, the required improvements will be made available for the full, effective, and practical use and enjoyment thereof by the lessees or the grantees of any of the lands within the Subdivision. When the off-site improvements have been one hundred (100) percent completed, and approved by the ENGINEER, and when (90) percent of the approved lots are sold, the SUBDIVIDER may submit the next phase of the proposed Subdivision in accordance with the rules and regulations of this Code.**

4. Distribution and Review. The PLANNING COMMISSION shall circulate for comment and review copies of the Final Plat to all departments of Paradise Town, the ENGINEER, the ATTORNEY, and any special purpose district, including school districts. The ENGINEER shall approve or disapprove the plat within thirty (30) days after the plat is submitted to the PLANNING COMMISSION. If he disapproves, he shall state in writing to the PLANNING COMMISSION the reasons for the disapproval. The PLANNING COMMISSION shall have sixty-two (62) calendar days after the plat was received from the SUBDIVIDER to approve or disapprove the plat. If the PLANNING COMMISSION disapproves the Final Plat it will so notify the SUBDIVIDER in writing which states that the plat has been disapproved and the reasons therefore. The reason for rejection of a Final Plat shall be its nonconformance to adopted rules, regulation, ordinances and state laws currently in force and affecting the land and its development, its lack of conformance with the approved Preliminary Plat or technical inaccuracies.

5. Approvals by the COMMUNITY. The PLANNING COMMISSION. The PLANNING COMMISSION shall approve the Subdivision if it finds that the Subdivision complies with the physical development standards of this ordinance, the zoning ordinance, the laws of the State of Utah and the rules and regulations promulgated pursuant thereto and that the Subdivision will have adequate fire protection; all of the essential facilities; an adequate water supply with individual, public or private supplies and if public or private that the addition of the Subdivision will not decrease the pressure in the culinary water system at any point within Paradise Town or Subdivision to less than 40 pounds per square inch; that the Subdivision will have an approved sewage disposal method or system and will not cause the existing sewer system to exceed its capacity to deliver or treat sewage; that the traffic created thereby will not unduly congest existing traffic; that it will not create unreasonable potential for flooding; and that it will not create a substantial burden on the school districts or create a financial obligation on Paradise Town. The ENGINEER. The ENGINEER shall approve the Final Plat if he finds that the Subdivision and proposed improvements comply with the minimum requirements of the Subdivision ordinance, that the survey description is correct and that the easements are appropriately located. The ATTORNEY. The Attorney shall approve the Final Plat if he finds that:

a. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner as shown on the records of the County Recorder of the county in which the Subdivision is located.

b. The escrow account/agreement deposited with the Paradise Town recorder is in appropriate form and signed by the necessary parties.**

c. That the SUBDIVIDER has executed an agreement signed by the property owners adjacent to a protection strip in a form

sufficient for recordation in the office of the County Recorder.

d. That the SUBDIVIDER has executed the Subdivision Agreement required by this ordinance.

e. That the Subdivision does not, in his or her opinion, violate any ordinance of Paradise Town or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto.

6. The PLANNING COMMISSION shall review the Final Plat at a regularly scheduled public meeting. If the Final Plat and all supplementary data complies with the applicable requirements of these regulations and the requirements of the approved Preliminary Plat, the PLANNING COMMISSION shall certify approval of the plat providing the following instruments are properly signed and dated:

- a. SURVEYOR'S certificate.
- b. Owner's dedication.
- c. Notary and/or corporate acknowledgements.
- d. ENGINEER'S approval.
- e. ATTORNEY'S approval.

The PLANNING COMMISSION: shall either approve or reject the Final Plat. Conditional approval shall not be given.

7. Within ten (10) days after review of the Final Plat at the public meeting, the PLANNING COMMISSION shall send written notification of its review and official action taken to the Paradise Town Council. This notification shall specify the modifications of the Final Plat, if any, which were made an incident to approval of such plat by the PLANNING COMMISSION.

Step 4. Governing Body Approved. Following Final Plat approval, the PLANNING COMMISSION shall forward the approved Final Plat to the Paradise Town Council for review. The applicant shall appear before the Paradise Town Council to answer any questions. The Paradise Town Council shall either approve or reject the Final Plat if it finds that all other persons required to approve the plat have given their approval and that the Final Plat meets all of the requirements of the ordinances and that all fees and assessments have been fully paid. Acceptance of dedication of proposed public lands or streets, or street right-of-way in an approved Final Plat can be made only by the Paradise Town Council. Final Plat approval by the Paradise Town Council will be deemed an acceptance of dedication, unless streets and ether public spaces are shown as "not intended for dedication" or unless the Paradise Town Council expressly repudiates the presumed dedication. The Final Plat, bearing all official approvals as above required, shall be deposited in the office of the County Recorder for recording at the expense of the SUBDIVIDER who shall

be notified of such deposit by the office of the County Recorder. No subdivision shall be recorded in the office of the County Recorder and no lot included in such Subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plat is so approved, accepted and recorded.

SECTION III:

IMPROVEMENTS

III - 1 IMPROVEMENTS REQUIRED

No Final Plat of a Subdivision of land shall be recorded without receiving statement signed by the ENGINEER certifying that the improvements described in the SUBDIVIDER'S plans and specifications meet the minimum requirements of all ordinances of Paradise Town, that they comply with the recommendations of the local and/or State Board of Health, the PLANNING COMMISSION, the fire and other community departments and with the standards, rules and regulations for Subdivisions approved by the Paradise Town Council, which standards, rules and regulations are hereby incorporated in this title by reference.

No Final Plat of a Subdivision of land shall be recorded unless the SUBDIVIDER shall furnish to Paradise Town a guarantee in an amount equal to 115% percent of the reasonable cost of the improvements required by this section. The amount of the guarantee shall be estimated by the SUBDIVIDER'S Engineer and approved by the ENGINEER and conditioned upon payment by the SUBDIVIDER of all expense incurred and for all labor or material used in the construction of require improvements. The provisions of the guarantee shall be for the protection of laborers and materials men and to guarantee the quality, quantity, and performance of all improvements as required herein. In no event shall Paradise Town be deemed liable under this section on any claim asserted by a laborer or materials men.

III - 2 ESSENTIAL FACILITIES

The SUBDIVIDER of any land shall install or guarantee the installation of the following essential facilities in compliance with the Construction Standard of Paradise.

A. Water Supply: Subdividers must gain approval from the Town Council for water rights and connections to the Town's culinary water system. In cases where it is not feasible to hook into the Town's water system, SUBDIVIDERS must develop a water system that conforms with the standards of the State Bureau of Drinking Water and Sanitation and the Town Standards, including fire protection standards. Newly developed systems shall be dedicated to the Town.

B. Secondary Water Supply: Where secondary water rights are available to property to be subdivided, the SUBDIVIDER shall install the water mains valves, turnouts, and service lines or laterals for such mains prior to the installation of road base, surfacing, curb, gutters, and sidewalks.

Where culinary water is of insufficient quantity to satisfy irrigation needs of the property to be subdivided, the SUBDIVIDER must develop a secondary water system as required by the PLANNING COMMISSION.

c. Sewage Disposal:

1. The Bear River District Health Department must issue a permit for each lot according to its capacity to support an individual sewage disposal system. Before a final plat may be recorded, the DISTRICT SANITARIAN must certify that soil exams, completed at the SUBDIVIDER'S expense, indicate that individual sewage disposal systems are feasible.

2. Where a public sewage disposal system is not proposed by the SUBDIVIDER, the words "No proposed public sewage disposal system" shall appear on the final plat.

D. Storm Water drainage: The SUBDIVIDER must obtain approval from the Town Engineer for plans to control storm water to assure that any increase in storm water runoff will not flow from the subdivision to adjacent properties, unless drainage easements have first been obtained for such properties.

The Final Plat for the drainage system shall be prepared by a licensed engineer and shall include all pipe, inlets, manholes and appurtenant works including such bridges and culverts as may be needed. The width of bridges or lengths of culverts shall be equal to the width of the street right of way but not more than 66 feet for any one bridge or culvert. The complete storm water drainage system shall be installed prior to the surfacing of streets and the installation of road base, curbs, gutters, and sidewalks.

E. Road Improvements:

1. All roads to be constructed and dedicated to the Town of Paradise shall meet the Town Standards and shall have a minimum improved width consisting of 24 feet of bituminous surfacing, 4 feet of gravel shoulders on each side for a total improved width of 32 feet. The width of a dedicated road right-of-way, if it is an extension of an existing street, shall be equal to the width of said existing street which shall be either sixty-six (66) or ninety-nine (99) feet. Unless specified otherwise by the PLANNING COMMISSION.**

2. Developers of subdivisions adjacent to substandard roads shall dedicate additional rights of way and improve the adjacent one-half width of said road to conform to Town Standards. Said improvements shall be made to the nearest improved collector street.

F. Fire Protection: Fire hydrants shall be placed within Five hundred (500) feet of one another throughout the subdivision. They will be installed according to the Town Standards.****

G. Electricity and Distribution System.

H. Telephone and provisions for telecommunications.****

I. Natural Gas and Distribution Facilities.

J. Street Signs: The contractor will furnish and install all necessary street signs at required locations and in conformance with Town Standards.

K. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type approved by the ENGINEER. All Subdivision plats shall be tied to a section corner. A monument of record or an established land office survey corner.

III - 3 ORDER OF MAKING IMPROVEMENTS

The improvements required in this ordinance shall be installed in compliance with the CONSTRUCTION STANDARDS. No improvements shall be installed until their location and specifications are approved by the ENGINEER.

Unless waived in writing by the ENGINEER. All underground utilities, water, sewer, and gas laterals and fire hydrants shall be installed prior to road base, curbs gutters, sidewalks and surfacing the streets.

III - 4 MINIMUM IMPROVEMENTS TO BE INSTALLED BEFORE ISSUING OCCUPANCY PERMIT

No occupancy permit shall be issued until the following improvements are installed and approved, in writing, by the ENGINEER.

A. All underground utilities including telephone, electrical, gas, and water facilities.

B. Sanitary, sewer and storm sewer systems.

C. Curb, gutter, sidewalk and road base.

III - 5 IMPROVEMENTS COMPLETION

All improvements including the street paving shall be completed within twelve (12) months after issuance of the first building permit in the Subdivision. The seal and chip portion of the paving shall be completed within two (2) years after approval of the Final Plat of the Subdivision.

III - 6 PARTIAL DEVELOPMENT-IMPROVEMENTS TO BE CONTINUOUS AND ORDERLY

Whenever the SUBDIVIDER shall develop a Subdivision a portion at a time such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the purchasers, lessees, grantees, assignees or transferors of any of the land subdivided within the time hereinbefore specified or within the phases specified.

III - 7 COST DISTRIBUTION FOR IMPROVEMENTS

Cost of improvements which are required under the provisions of this ordinance, as well as the cost of other improvements which the SUBDIVIDER may be required to install, shall be shared between the SUBDIVIDER and Paradise Town according to the following schedule. Paradise Town shall not share in the cost of any improvements not expressly noted within this section.

<u>A. IMPROVEMENT DESCRIPTION</u>	<u>SUBDIVIDER % OF COST OR RESPONSIBILITY</u>	<u>COMMUNITY % OF COST OR RESPONSIBILITY</u>
Easements and rights of way; grading of street's; curb and gutter; cross drains; dip stones and connecting piping; driveways; sidewalks; monuments; street signs; fire hydrants and companion valves; thrust blocks.	100%	0%
B. Base gravel course; street paving; seal and chip, bridges and culverts.	100% for all streets required road widths of 60 feet back to back of curb and gutter or less.	100% for all additional width required by the PLANNING COMMISSION in excess of 60 feet back to back of curb and gutter.
c. Street lighting.	100% of easements rights-of-way and facilities.	0%
D. Electric utilities.	100% of all facilities including easements and right-of-ways necessary to serve subdivision and comply with this ordinance.	0% See section III-8 Oversized Facilities & section III-9 Cost sharing agreement.
E. Culinary water and secondary water facilities	100% of all costs of all facilities necessary to serve the	0% See section III-8 oversized facilities & section

	subdivision and comply with this ordinance.	III-9 Cost sharing agreement.
F. Sanitary sewer and storm sewer facilities.	100% of all cost of all facilities necessary to serve the subdivision and comply with this ordinance.	0% See section III-8 oversized facilities & section III-9 Cost sharing agreement.
G. Extension of culinary water and secondary water facilities, storm sewer facilities, and sanitary sewer facilities.	100% and/or cost sharing agreement.	0% See section III-8 oversized facilities & section III-9 Cost sharing agreement.
H. Extensions of electrical distribution system.	100% and/or cost sharing agreement.	0% See section III-8 oversized facilities & section III-9 Cost sharing agreement.
I. Extension of streets.	100% Of all costs Including R-O-W	0% See section III-8 oversized facilities & section III-9 Cost sharing agreement.

III - 8 OVER-SIZED FACILITIES

When it is determined by the TOWN ENGINEER subdivision improvements are not adequate to meet the demands above and beyond the demands within the subdivision and it is necessary for said improvements to serve intervening or other properties, the SUBDIVIDER will be required to install "over-sized" facilities. Reimbursement for costs will be handled through a cost sharing agreement with the property owners to reap the benefits. In some cases a modified cost sharing agreement may be entered into with Paradise Town.

III - 9 COST SHARING AGREEMENT

Whenever any intervening property is located between the terminus of existing service facility and the proposed Subdivision, and the intervening property will be benefited by the installation of any of the required facilities, the SUBDIVIDER shall pay for having all facilities, not installed by a utility company, constructed over, under, and/or across the intervening property. If approved by the Paradise Town Council before approval of the Final Plat and prior to any construction, the SUBDIVIDER may enter into an agreement with Paradise Town for a partial cost reimbursement, otherwise agreements will be made with intervening property owners.

The cost of the facilities to be included in the agreement shall be the actual construction cost as determined by competitive bids and shall

include all costs for having the facilities installed, including legal, administrative and engineering costs.

The agreement shall state the proportionate share of the costs to be borne by the SUBDIVIDER and the proportionate share to be reimbursed to the SUBDIVIDER from fees collected from the intervening property owners.

Paradise Town shall thereafter enter a deferred credit in its book and records and shall charge the benefited property owners the fee rates for sewer, water and electrical connections in effect at the time such connections are made. Such fees, not to exceed the maximum stated in the agreement, shall then be returned to the SUBDIVIDER to reimburse the SUBDIVIDER for the proportionate share of the costs of the installation of the facilities. Paradise Town may also elect to reimburse the SUBDIVIDER for such "off-site" facilities after the SUBDIVIDER has furnished Paradise Town with acceptable evidence that an agreed number of housing units are occupied. No interest shall accrue or become payable on such reimbursement. Engineering drawings showing benefited property shall be prepared by the ENGINEER.

III - 10 INSPECTION

All construction work involving the installation of improvements in Subdivisions shall be subject to inspection by Paradise Town and the Construction Standards of the following types of improvements. The Inspector shall make continuous inspections on the following improvements:

- A. Street surfacing, including seal coats.
- B. Preparation of base and pouring of concrete for curb and gutter, sidewalks and other structures.
- C. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing.
- D. Installation of any mechanical equipment.

Arrangement for inspection must be made with the ENGINEER at least seven (7) days prior to beginning construction of the improvements requiring continuous inspection. The Inspector shall make periodic inspections on the following improvements:

- A. Street grading and gravel base.
- B. Excavations for curb and gutter and sidewalks.
- C. Excavations for structures.
- D. Trenches for laying pipe.
- E. Forms for curb and gutter, sidewalk and structures.

Notice to the ENGINEER shall be given three (3) days in advance of the starting of work requiring periodic inspection.

The SUBDIVIDER shall require his engineer to make inspections as often as necessary in order to assure the SUBDIVIDER that the improvements are being properly installed, that the improvements comply with the intent of the CONSTRUCTION STANDARDS and that all improvements are laid to the proper grade, alignment, depth, and are constructed of the required quality of materials and that errors in design and/or construction are corrected before acceptance by Paradise Town.

Prior to making a request for Partial Release of Escrow Funds or Conditional Acceptance of the Subdivision improvements, the SUBDIVIDER shall request that his engineer inspect the improvements and certify as to their acceptability. This certificate shall be attached to all Partial Release Requests and the request for Conditional Acceptance.

All materials and equipment used in the construction of the improvements shall be subject to adequate inspection and testing in accordance with generally accepted standards, as required and defined in the CONSTRUCTION STANDARDS.

In order to further assure Paradise Town that the intent of the CONSTRUCTION STANDARDS and the Subdivision Ordinance are being complied with Paradise Town shall provide the continuous inspection and testing services at the expense of the SUBDIVIDER. Payment for this service will be made monthly from the Escrow Account or from funds deposited with Paradise Town by the SUBDIVIDER.

The ENGINEER shall act as Paradise Town's representative during the construction period. He shall decide questions which may arise as to quality and acceptability of materials furnished and work performed. He shall interpret the intent of the CONSTRUCTION STANDARDS in a fair and unbiased manner. The ENGINEER will make periodic visits to the site and determine if the work is proceeding in accordance with the Subdivision Ordinance.

The SUBDIVIDER will be solely responsible for complying with the intent of the CONSTRUCTION STANDARDS and Subdivision Ordinance in regard to the quality of materials, workmanship and execution of the work.

The Engineer will review and inspect the construction means, controls, techniques, sequences, procedures, and construction safety.****

Inspections, test or approvals by the ENGINEER or other representing Paradise Town shall not relieve the SUBDIVIDER from his obligation to perform the work in accordance with the requirements of the CONSTRUCTION STANDARDS and Subdivision Ordinance.

III - 11 GUARANTEE OF WORK

The SUBDIVIDER shall warrant and guarantee, for a minimum period of two (2) years from the date of "Conditional Acceptance" that all of the improvements are free from defects due to faulty materials or workmanship

and the SUBDIVIDER shall, at no cost to Paradise Town, promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other improvements resulting from such defects. Paradise Town will give notice of observed defects with reasonable promptness. In the event that the SUBDIVIDER should fail to make such repairs, adjustments, or other work that may be made necessary by such defects, Paradise Town may do so and charge the SUBDIVIDER the cost thereby incurred. The improvements guarantee shall remain in full force and effect through the guarantee period and until the SUBDIVIDER receives a written Final Acceptance from the Paradise Town Council.

A. Repairs: The SUBDIVIDER shall agree and understand that the determination of the necessity for repairs and maintenance of the work rest with the ENGINEER. His decision upon the matter shall be final and binding upon the SUBDIVIDER, and the guarantee hereby stipulated shall extend and include, but shall not be limited to the entire street base, all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be affected by the construction operations, and whenever, in the judgment of the ENGINEER, said work shall be in need of repairs, maintenance or re-building, he shall cause a written notice to be served the SUBDIVIDER and thereupon the SUBDIVIDER shall undertake and complete such repairs, maintenance or re-building, and upon the SUBDIVIDERS failure to do so or make arrangements therefore within ten (10) days from the date of the service of such notice, the ENGINEER shall, upon approval of the Paradise Town Council, have such repairs made, and the cost of such repairs shall be paid by the SUBDIVIDER, together with twenty-five percent (25%) in addition thereto as and for stipulated damages for such failure on the part of the SUBDIVIDER to make such repairs.

III - 12 IMPROVEMENTS GUARANTEE AGREEMENT

The SUBDIVIDER shall execute, acknowledge, and cause to be recorded in the office of the Paradise Town Recorder, a written agreement with Paradise Town by which he will covenant and agree that he will not lease or convey any of the subdivided property to anyone whomever unless he shall first, as a condition precedent thereto, either:

A. Install and pay for all of the improvements aforesaid necessary to the full, effective and practical use and enjoyment thereof by the lessee or grantee of the lands so to be conveyed, including but not limited to, all street improvements in front of such property and thence along the dedicated streets to a connection with existing improvements of the same kind or to the boundary of the Subdivision nearest said existing improvements, whichever is required as a condition of the Subdivision approval, or

B. In lieu of actual construction of the improvements the SUBDIVIDER may furnish Paradise Town at the time a subdivision final plat is approved, the following guarantee that the improvements, not then installed, will be constructed and paid for within a period of two years from the date of approval of the subdivision:

1. Deposit an unrestricted escrow with an escrow holder approved by the Paradise Town Council, an amount of money equal to one hundred fifteen percent (115%) of the cost of the improvements.

The said agreement shall specifically provide that it shall be deemed to be a covenant running with the subdivided lands for the benefit of Paradise Town and shall particularly and accurately describe said lands. By said agreement the SUBDIVIDER shall further give and grant to Paradise Town a lien on said lands to secure performance of the covenant and agreement hereinbefore specified and to secure the installation of all of the improvements required by this chapter, together with the payment of all costs, including a reasonable attorney's fee which Paradise Town may incur in enforcing any of the terms and provisions of said agreement.

The covenant and agreement aforesaid shall be approved as to form by the ATTORNEY. The Paradise Town Council is authorized to prescribe, by administrative rule or regulation filed for record with the Paradise Town Recorder, the forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed Subdivision and the strict compliance with the requirements of this ordinance. The agreement shall be restricted to the guaranteeing and paying for the improvements required by this ordinance. It shall be separated from any other financing or funding programs required by the SUBDIVIDER. Funds can be released only upon receipt of written authorization signed by the Presiding Official of the Paradise Town Council.**

III - 13 PARTIAL RELEASE OF AGREEMENT FOR FUNDS

The Paradise Town Council is authorized and directed from time to time at the request of the SUBDIVIDER or his successors in interest to release from the escrow agreement, and release from the burdens of the covenant and lien the estimated costs of the improvements installed and approved by the ENGINEER.

A. Applications for Partial Release: At least ten (10) days before each partial release is required, (but not more often than once a month) the SUBDIVIDER will submit to the ENGINEER for review, the application for release, filled out and signed by the SUBDIVIDER covering the work completed as of the date of the application and supported by such data as the ENGINEER may reasonably require. The SUBDIVIDER shall include with his application for release of funds a written statement of the current status of the escrow account signed by an officer of the escrow agent. The statement shall show the total dollars included in the agreement the date and the amount of the releases and the current funds.

The SUBDIVIDER warrants and guarantees that title to all work, materials and equipment covered by an application for release, whether incorporated in the work or not, will have passed to Paradise Town prior to the making of the application free and clear of all liens, claims, security interests and encumbrances; and that no work, materials or equipment covered by an application for release will have been acquired by the SUBDIVIDER or by any other person performing the work at the site or furnishing materials and equipment for the project.

The ENGINEER will within ten (10) days after receipt of each application for release, either indicate in writing his approval of release and present the application to the Paradise Town Council or return the application to the SUBDIVIDER indicating in writing his reasons for refusing to approve release. In the latter case, the SUBDIVIDER may make the necessary corrections and resubmit the application. Paradise Town will, within ten (10) days of presentation of an approved application for release, release the amount approved by the ENGINEER.

B. Approval of Payments of the Application: The ENGINEER'S approval of any requested release shall constitute a representation by him to Paradise Town, based on the ENGINEER'S on-site observations of the work in progress as an experienced and qualified design professional and on his review of the application for release and the supporting data that the work has progressed to the point indicated; that, to the best of his knowledge, information and belief, the quality of the work is in accordance with the CONSTRUCTION STANDARDS (subject to an evaluation of the work as a functioning project upon substantial completion, to the results of any subsequent tests called for in the CONSTRUCTION STANDARDS and any qualifications stated in his approval); and that the SUBDIVIDER is entitled to a release of the amount approved. However, by approving any such payment, the ENGINEER shall not thereby be deemed to have represented that he made exhaustive or continuous on-site inspections to check the quality or the quantity of the work, or that he has reviewed the means, methods, techniques, sequences, and procedures of construction or that he has made any examination to ascertain how or for what purpose the SUBDIVIDER has used the moneys released.

The ENGINEER may refuse to approve the whole or any part of any release if, in his opinion, he is unable to make such foregoing representation to Paradise Town. He may also refuse to approve any such release, or, because of subsequently discovered evidence, or the results of subsequent inspections or tests, nullify any such release previously approved, to such extent as may be necessary in his opinion to protect Paradise Town from loss because:

1. The work is defective.
2. Claims have been filed or there is reasonable evidence indicating the probable filing thereof.
3. Paradise Town has been required to correct defective work or complete the work, or
4. Unsatisfactory prosecution of the work, including failure to clean up as required.

The SUBDIVIDER shall not obtain a release from or a withdraw from the escrow account, have trust deeds released, or obtain a release from the covenant and lien improvements guarantee any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other sources any costs for such improvements which exceed 100% of the costs approved by the ENGINEER.

The SUBDIVIDER shall guarantee that the improvements shall be maintained in a state of good repair, free from defective material and/or workmanship for a period of twenty-four (24) months from the date of Conditional Acceptance by the Paradise Town Council.

If the SUBDIVIDER installs any or all of the required improvements prior to the final plat approval, the SUBDIVIDER shall furnish Paradise Town with the guarantee listed in paragraph 111-12-B at the time the final plat is approved, in an amount equal to fifteen "percent (15%) of the cost of the improvements as a guarantee that the improvements, as installed, shall remain free from defects and shall be maintained by the SUBDIVIDER until Final Acceptance by the Paradise Town Council.

If the SUBDIVIDER furnishes an escrow, the Paradise Town Council shall hold the remaining fifteen (15%) as a guarantee that the improvements, as installed shall remain free from defects and shall be maintained by the SUBDIVIDER until Final Acceptance by the Paradise Town Council.

If the fifteen percent (15%) retainage is in the form of money deposited in an escrow account, release of said retained funds may be effected by the SUBDIVIDER providing the two (2) year guarantee period has expired.

At any time during the guarantee period and in the event the required improvements are not installed within the two (2) years provided, or are not being maintained during the guarantee period, after Conditional Acceptance, or are found to have latent defects, the ENGINEER shall, by written notice, advise the SUBDIVIDER of the reasons he or she has failed to install, construct or maintain the required improvements. The written notice shall state that the SUBDIVIDER has thirty (30) days to make the necessary installation, construction repair or replacement which time may be extended by the Paradise Town Council at its sole discretion, and that Paradise Town will make the necessary installation construction, repair, or replacement if the SUBDIVIDER does not do so within the time permitted and that Paradise Town will exercise its rights, as contained in the agreement, to obtain the funds and/or pay for the installation, construction repair or replacement of the required improvements. If, after two (2) years Paradise Town has conditionally accepted the improvements required by its Subdivision ordinance, the required improvements remain substantially free from latent defects, the Paradise Town Council may release to the SUBDIVIDER the balance of the escrow account. This release and any prior approval of the ENGINEER shall not relieve the SUBDIVIDER of any of his/her responsibilities as required by the Subdivision Ordinance which includes guaranteeing the improvements for a total of two (2) years from the date of Conditional Acceptance.**

III - 14 CONDITIONAL ACCEPTANCE

After all required improvements are complete, the SUBDIVIDER shall, in writing, notify Paradise Town and the ENGINEER that the Subdivision is complete and request Conditional Acceptance by the Paradise Town Council. The Conditional Acceptance request shall be accompanied with:

A. A certificate, signed by the SUBDIVIDER'S Engineer attesting to the fact that all improvements are installed, free from defects and that they comply with the intent of the CONSTRUCTION STANDARDS. Any variation from said Standards shall be noted in the certificate.

B. A Mylar copy of the "As Built" construction drawings.

The ENGINEER shall make an inspection within ten (10) days of receipt of the notice, and notify the SUBDIVIDER in writing of any particulars in which this inspection reveals that the work is defective. The SUBDIVIDER shall immediately make such corrections as are necessary to remedy such defects.

The ENGINEER shall as soon as the improvements are acceptable and after receipt of the "As Built" drawings, notify Paradise Town in writing, his approval of the improvements. The Paradise Town Council shall, within fifteen (15) days after receipt of the ENGINEER'S approval, present to the SUBDIVIDER a notice of Conditional Acceptance establishing the date for beginning his two year guarantee period.

III -15 FINAL ACCEPTANCE AND RELEASE

The SUBDIVIDER shall be responsible for requesting Final Acceptance and Release. The SUBDIVIDER shall send Paradise Town a written request for Final Acceptance and Release, at least twenty (20) days prior to the terminal date of his guarantee period. The ENGINEER shall, within ten (10) days, make an inspection of the Subdivision improvements. If defects exist in the improvements, the ENGINEER shall notify the SUBDIVIDER, in writing, who shall promptly replace and/or repair all defective work.

When the improvements are acceptable, the ENGINEER shall notify the Paradise Town Council, in writing, who shall within fifteen (15) days of receipt of said notice, issue a letter of Final Acceptance and Release.

III - 16 ACCEPTANCE PERIOD

Requests for Conditional and Final Acceptance shall be made during periods when all of the improvements can be visually inspected by the ENGINEER. Any improvements buried with soil or snow or otherwise not visible shall not be approved. Generally, no acceptances will be made during the months of November through and including March.

SECTION IV: SUPPLEMENTARY REGULATIONS

IV - 1 RE-SUBDIVISION PROCEDURE

A. Prior to the re-subdivision of a recorded plat, or a portion thereof, a plat complying with the requirements for a preliminary plat indicating the existing lots, their ownership, the proposed re-subdivision, and a petition for vacation of the recorded plat or portion thereof, signed by all the owners of the land contained in the entire plat and the owners of the land contiguous or adjacent to any street therein, shall be made to the PLANNING COMMISSION for their approval.

B. After receipt of the approval of the Preliminary Re-subdivision Plat, a Final Plat complying with the provision of the Ordinance shall be submitted to the PLANNING COMMISSION for approval accompanied with those construction drawings and cost estimates as necessary to establish any coinage required in existing or proposed improvements and the guarantee of their installation.

C. The TOWN COUNCIL shall, after receipt of the complete petition and a plat approved by all signatures required for Final Plats, order the vacation of such portion of or the entire plat to be vacated as portrayed for in the petition of vacation.

D. The vacation order and the Re-subdivision Plat shall be consecutively filed in the office of the Recorder of the County where such land is situated.

IV - 2 AMENDING A RECORDED SUBDIVISION PLAT

A recorded subdivision plat may be amended only to correct minor surveying or drafting errors. All other changes in a recorded plat shall be allowed only upon compliance with the re-subdivision procedures of the Ordinance. The PLANNING COMMISSION shall determine whether the recorded plat may be amended, or, first vacated and re-subdivided, in accordance with the intent of this section. If it is discovered that there is a minor surveyor drafting error in a recorded Final Plat, the Subdivider shall be required to file a Final Plat with an affidavit witnessed by the SURVEYOR concerning the change which shall be approved by the PLANNING COMMISSION and the TOWN COUNCIL. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the filing of a corrected plat shall comply with the re-subdivision procedures.

IV - 3 NO PERMIT OR LICENSE FOR USE IN VIOLATION OF THE SUBDIVISION ORDINANCE

No officer of the Town shall grant any permit or license for the use of any building or land if such would be in violation of the Subdivision Ordinance.

IV - 4 ADMINISTRATIVE BODY

The PLANNING COMMISSION shall be the administrative body to administer this Subdivision Ordinance.

IV - 5 ADMINISTRATIVE OFFICER

The PLANNING COMMISSION CHAIRMAN shall be the administrative officer.

IV - 6 APPEAL TO GOVERNING BODY

Any party aggrieved by a decision of the PLANNING COMMISSION may appeal such decision to the TOWN COUNCIL. Such appeal shall be taken within thirty (30) calendar days of the official action of the PLANNING COMMISSION by filing a notice of appeal with the TOWN COUNCIL. The notice

of appeal shall specify the grounds of appeal and all previous actions of the PLANNING COMMISSION related thereto. Upon receipt of the notice of appeal, the TOWN COUNCIL shall immediately notify the PLANNING COMMISSION, and said PLANNING COMMISSION shall notify all aggrieved parties of the date of such meeting. Any party may appear at the said public meeting in person or by agent or by attorney and may call witnesses in support or opposition to the issues raised by the appeal.

IV - 7 DECISION OF GOVERNING BODY AND JUDICIAL REVIEW

The decision of the TOWN COUNCIL shall be final as to the administrative action taken by Paradise, and such decision may affirm or reverse the decision of the PLANNING COMMISSION in whole or in part.

Any party aggrieved by the decision of the TOWN COUNCIL may seek and maintain a plenary action for relief there from in any court of competent jurisdiction; provided petition for such relief is presented to the court within thirty (30) calendar days after the regularly scheduled public meeting at which the TOWN COUNCIL rendered its decision.

IV - 8 PROTECTION STRIP

Where subdivision streets parallel contiguous property of others, the SUBDIVIDER may, upon approval of the PLANNING COMMISSION, retain a protection strip not less than one (1) foot in width between said street and adjacent property, provided that an agreement approved by the ATTORNEY has been made by the SUBDIVIDER contracting to deed to the then owners of the contiguous property the one (1) foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of agreement. One (1) copy of the agreement shall be submitted to and approved by the ATTORNEY and the PLANNING COMMISSION prior to approval of the Final Plat. Protection strips shall not be submitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

IV - 9 CONDITIONAL USES

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this Code would cause an unusual and unnecessary hardship on the SUBDIVIDER, the PLANNING COMMISSION shall require such additional conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. The Paradise Town Council may upon receipt of written recommendations from the PLANNING COMMISSION require such other conditions as will further secure insofar as practicable, the objectives of the standards or requirements varied or modified. Any special use authorized shall be entered in the minutes of the PLANNING COMMISSION and the Paradise Town Council together with the circumstances that justified the special use. The PLANNING COMMISSION

will prepare a Conditional Use Permit which specifies the certain specific variations and/or exception to this ordinance for specific parcel(s) of land. Said document shall be approved by the Paradise Town Council and signed by the PRESIDING OFFICIAL becoming part of the official minutes of Paradise Town.

IV - 10 PROHIBITED ACTS

It shall be unlawful for any person to subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in Paradise Town, except in compliance with this Ordinance.

It shall be unlawful for any person to sell or exchange or offer to sell or exchange any parcel of land which is part of a subdivision of a larger tract of land, or record in the office of the County Recorder any subdivision plat unless the subdivision has been approved by the Paradise Town Council and meets the provisions of this Ordinance.

It shall be unlawful for any person to receive a building permit until the road base, sidewalk and curb/gutter where required, and all underground utilities are installed. It shall be the responsibility of the BUILDING OFFICIAL to see that there is no human occupancy until the improvements have been accepted by Paradise Town the lot fully complies with the subdivision and zoning ordinances and the building complies with the building code of Paradise Town. It shall be unlawful for any SUBDIVIDER to sell any portion of an approved subdivision until the prospective buyer or builder has been advised, in writing, that occupancy permits will not be issued until the improvements are completed.

IV - 11 IMPACT FEES

These fees will be based on the relative burden already borne and, yet to be borne by the newly developed properties and other properties as illustrated by the following indicators: (1) the cost of existing capital facilities; (2) the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants); (3) the relative extent to which the newly developed properties and the other properties in Paradise Town have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments or payment from the proceeds of general taxes); (4) the relative extent to which the newly developed properties and the other properties in PARADISE will contribute to the cost of existing capital facilities in the future; (5) the extent to which newly developed properties are entitled to a credit because PARADISE is requiring their developers or owners (by contractual agreement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user charges) in other parts of the municipality; (6) extraordinary costs, if any, in servicing the newly developed properties; and (7) the time-price differential in fair comparisons of amounts paid at different times.

SECTION V: CONSTRUCTION AND DRAWING STANDARDS

V - I GENERAL CONDITIONS

A. Design and CONSTRUCTION STANDARDS - Minimum standards of design, specifications for materials specifications for construction and inspection shall be prepared by the ENGINEER and after approval by the PLANNING COMMISSION and the Paradise Town Council, shall be adopted, by resolution of the Paradise Town Council, as the MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS for Public Improvements. These standards shall be applicable to all Subdivision improvements.

V - 2 CONSTRUCTION STANDARDS

A. Intent of CONSTRUCTION STANDARDS - It is the intent of these CONSTRUCTION STANDARDS to describe the minimum acceptable requirements necessary to complete the improvements required by Paradise Town. Any work or improvements that may be reasonably inferred from these STANDARDS, as being required to produce the intended result, shall be supplied whether or not it is specifically called for. Work, materials, or equipment described in words which so applied have a well known technical or trade meaning shall be deemed to refer to such recognized standards. Details and specifications for public works facilities construction shall be as shown and called for in the "MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS" adopted by Paradise Town.

B. Supplementary Definitions - Whenever used in these documents, the following terms shall have the meaning indicated which shall be applicable to both the singular and plural thereof:

1. COMMUNITY - The city, county or town adopting this Code.
2. Contractor - The person, firm, or corporation who is to perform the work.
3. Contract Documents - CONSTRUCTION STANDARDS of the COMMUNITY, Plans and Specifications of the SUBDIVIDER as approved by the ENGINEER.
4. CONSTRUCTION STANDARDS - MINIMUM PUBLIC WORKS CONSTRUCTION STANDARDS AND SPECIFICATIONS for public improvements of the COMMUNITY.
5. Drawings - The drawings and plans which show the character and scope of the work to be performed and which have been prepared or approved by the ENGINEER.
6. ENGINEER - The ENGINEER or his duly authorized representatives which shall at all times include the Director of Public Works of the COMMUNITY.

7. Final Release - A release granted by the Paradise Town Council, at the request of the SUBDIVIDER, for the balance of the escrow funds or covenant and lien after receipt by the SUBDIVIDER of written approval by the ENGINEER of the installation of the improvements represented by said escrow funds, or covenant and lien.

8. Partial Release - A release granted by the Paradise Town Council, at the request of the SUBDIVIDER, of that portion of the escrow funds or covenant and lien which is attributable to those lands on which the installation of the improvements have been fully performed. The COMMUNITY shall release an amount equal to ninety percent (90%) of the cost of said improvements as approved by the ENGINEER. The ten percent (10%) retainage shall be retained by the COMMUNITY until Final Acceptance is granted.

9. Project - The entire construction to be performed as required by the Subdivision Ordinance.

10. Specifications - The general term, comprising all the directions, provisions, and requirements contained herein, together with such as may be added, adopted or approved for inclusion in the Contract Documents as Supplemental Specifications or Special Provisions, all of which are necessary for the proper performance of the work.

11. Subcontractor - An individual, firm or corporation having a direct contract with the SUBDIVIDER or his contractor or with any other subcontractor for the performance of a part of the work at the site.

12. SUBDIVIDER - The person proposing to do the work necessary to improve or develop a Subdivision within the COMMUNITY.

13. Work - Any and all obligations, duties and responsibilities necessary to the successful completion of the improvements assigned to or undertaken by the SUBDIVIDER under the requirements of the Subdivision Ordinance, including the furnishing of all labor, materials, equipment and other incidentals.

C. Contracts and Subcontracts

Prior to construction, the SUBDIVIDER will submit to the COMMUNITY and the ENGINEER for approval, a list of the names of all contractors and/or subcontractors the SUBDIVIDER proposes to employ in constructing the improvements required herein.

The SUBDIVIDER will not employ any contractor or subcontractor (whether initially or as a substitute) against whom the COMMUNITY or the ENGINEER may have reasonable objection nor will the SUBDIVIDER be required to employ any contractor or subcontractor against whom he has reasonable objection.

The SUBDIVIDER will be fully responsible for all acts and omissions of his contractors and subcontractors and of persons directly or indirectly employed by him.

Nothing in the contract documents shall create any contractual relationship between any contractor or subcontractor and the COMMUNITY or the ENGINEER or any obligations on the part of the COMMUNITY or the ENGINEER to pay or to see to the payment of any moneys due any contractor or subcontractor, except as may otherwise be required by law.

The SUBDIVIDER shall agree to specifically bind every contractor and subcontractor to all of the applicable terms and conditions of the CONSTRUCTION STANDARDS. Every contractor or subcontractor, by undertaking to perform any of the work, will thereby automatically be deemed to be bound by such terms and conditions.

D. Design Standards

1. Streets - General Requirements The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the PLANNING COMMISSION. The new street must connect with existing public streets.

The street arrangement should be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Half streets on the boundary of a Subdivision are prohibited.

a. Streets to Conform to Master Street Plan.

1. Road right-of-way widths - All Town streets shall conform to the width designated on the Master Street Plan wherever a Subdivision is in an area for which a Master Street Plan has been adopted. For territory where such street plan has not been completed at the time the Subdivision preliminary plat is submitted to the PLANNING COMMISSION, streets shall be provided as required by the PLANNING COMMISSION, with minimum widths of 99 feet for collector streets and extensions of existing 99 foot wide streets.****

2. Stub Streets - Stub streets shall be collector streets provided where needed to connect to adjacent undeveloped land and new streets and must be provided where needed to connect to existing stub streets in adjacent Subdivisions. Not more than six (6) lots shall front on a stub street, except where a temporary cul-de-sac turnaround is provided.

3. Cul-de-sacs - Cul-de-sacs (dead end streets) not more than 650 feet long and serving no more than ten (10) lots, whichever is more restrictive, shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in diameter and the face of curb or pavement edge radius shall be forty (40) feet or more. If surface water drainage is into the turnaround due to the grade of the street, necessary catch basins

and drainage easements shall be provided. All temporary cul-de-sacs or dead end streets shall be provided with a turning area at the dead end thereof satisfying the foregoing requirements and shall be available for public use as long as the dead end condition exists.

4. Road obstructions and termination - In the event that any road or street in any Subdivision shall terminate at or within 50 feet of any ditch, canal, creek, waterway, or other obstruction which will, at the opinion of the ENGINEER, require a bridge or other structure in order to continue the road over or across the canal, ditch, creek, waterway or other obstruction. The SUBDIVIDER shall deposit with the COMMUNITY a sum of money equal to one half of the ENGINEER'S estimate of the cost for constructing a proper and suitable bridge over the same. The ENGINEER shall, on request, furnish the SUBDIVIDER a cost breakdown for any such structure. At such time, in the opinion of the Paradise Town Council, as it becomes desirable to construct such structure, the same shall be constructed by the COMMUNITY applying such deposit toward the construction costs and charging the other one-half of such cost to the person developing the opposite side of such obstruction, or if there is no person so developing the other side, the half shall be borne as a COMMUNITY expense.

5. Frontage on major highways - Where a residential Subdivision abuts a major highway, frontage roads may be required.

6. Street names - Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names must be approved by the PLANNING COMMISSION, and opportunity shall be given the COMMUNITY Recorder for review and recommendations prior to the approval of street names by the PLANNING COMMISSION.

b. Design Criteria.

1. No more than four (4) streets shall enter an intersection.
2. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the PLANNING COMMISSION.
3. The centerlines of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerlines shall be offset at least one hundred fifty (150) feet.

c. Curvature and alignment.

1. To ensure adequate sight distances, street roadway lines connections shall be made by horizontal curves. The minimum centerlines radius for minor streets shall be one hundred fifty (150) feet and of all other streets shall be three hundred (300) feet. On collector and major streets a minimum tangent of one hundred (100) feet shall be required between a curve and street

intersection a minimum tangent of one hundred (100) feet shall be required between reverse curves.

2. Vertical curves shall be used at all changes of grades exceeding one (1%) percent and shall be designed to provide minimum sight distances of two hundred (200) feet for minor streets and three hundred (300) feet for all other streets except that vertical curves for major streets shall be as determined by the current specifications of the Utah State Department of Transportation (UDOT). The minimum acceptable length of vertical curves is two hundred (200) feet for collector and minor streets and three hundred (300) feet for major streets.

d. Street Grades - All street grades shall be designed as follows:

1. Major and collector streets shall be limited to a maximum grade of eight (8%) percent. Sustained grades shall be limited to five (5%) percent.

2. Minor streets shall be limited to a maximum grade of ten (10%) percent. Sustained grades shall be limited to seven (7%) percent.

3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six (6%) percent. The cul-de-sac shall terminate with a grade not to exceed three (3%) percent for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.

4. Street intersections shall have a vertical alignment such that the grade shall not exceed three (3%) percent for a minimum distance of fifty (50) feet each way from the centerline of the intersection.

5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.

6. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

e. Shoulders and Pavement.

1. Four (4) foot shoulders shall be provided where curbs are not installed. Design shall comply with current UDOT standards.

2. Pavements shall be designed in accordance with the procedures promulgated by the Utah Department of Transportation and contained in Part 8 "Materials", of their manual of instruction. The SUBDIVIDER'S Engineer shall submit his design calculations and supporting data with the Final Plat, as per Paradise Town construction standards.****

f. Sidewalk, Curbs and Gutters.

1. Sidewalks, curbs, and gutters shall be provided on streets to be dedicated to the public, unless waived by the Planning Commission. Sidewalks, curbs, and gutters may be required by the Paradise Town Council on existing streets bordering the Subdivision. Minimum grade of streets and curb-gutter is four-tenths percent (0.4%).

2. All curb corners shall have a radius of not less than twenty-five (25) feet.

3. On curb returns, at least one additional control point for elevation besides those at points of curvature shall be established. Control points shall be staked in the field to insure drainage of intersections.

4. Curbs and gutters on all urban streets shall be concrete of the standard high-back type unit, not less than six inches (6") thick where the curb abuts the street pavement.

2. Easement Standards.

a. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen (15) feet, apportioned equally in abutting properties.

b. Where front-line easements are required, a minimum of ten (10) feet shall be allocated as utility easement. Perimeter easements shall be not less than fifteen (15) feet in width, extending throughout the peripheral area of the development, as required by the PLANNING COMMISSION.

c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installation shall be located so as to permit multiple installations within the easements. The SUBDIVIDER shall establish final utility grades prior to utility installation.

d. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the SUBDIVIDER shall dedicate an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream for drainage, parkway or recreational use.

e. The PLANNING COMMISSION shall, unless waived for good and sufficient cause, require that easements for drainage through a Subdivision and adjoining property be provided by the SUBDIVIDER.

3. Utilities to be Underground.

a. Unless the PLANNING COMMISSION and the Paradise Town Council determine, upon application by the SUBDIVIDER, supported by recommendation of the ENGINEER, that it is not feasible to do so, all

power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the SUBDIVIDER.

b. The SUBDIVIDER, by designating the location for easements for all utility lines and installations thereof, shall agree, as one of the conditions for the approval of any plan, that he will at his own expense remove any obstruction that, in the opinion of the ENGINEER, makes such location impracticable of use until the obstruction is removed or altered. If additional expense is required for underground installation of power or other utility, the SUBDIVIDER shall agree to pay any additional expense occasioned thereby and sign an agreement with the city for the purpose of carrying out this requirement to completion.

4. Blocks.

a. A typical block will conform to the current adopted grid system with no blocks exceeding thirteen hundred (1300) feet in length. Blocks over eight hundred (800) feet in length may be required to have a dedicated walkway through the block at its approximate center. The width of blocks generally shall be sufficient to allow two (2) tiers of lots. Blocks intended for business or industrial uses shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.****

b. Property lines at all street intersections shall be rounded with curves having a minimum radius of fifteen (15) feet.

5. Lots.

a. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements.

b. All lots shown on the Subdivision plan must conform to the minimum requirements of the zone in which the Subdivision is located, and to the minimum requirements for sewage disposal.

c. Each lot shall abut on a street dedicated by the recording of a Subdivision or on an existing publicly-dedicated street, or on a street which has become public by right of use and is at least ninety-nine (99) feet wide or a street approved by the PLANNING COMMISSION and the Paradise town Council.****

d. Double frontage lots are prohibited unless approved by the PLANNING COMMISSION for reasons of topography.

e. No wedge-shaped lot shall be less than thirty (30) feet in width at the front property lines, or the lot frontage required in the zoning district, whichever is larger.

f. Side lot lines shall be at right angles or radial to street lines, except where justified by the SUBDIVIDER and approved by the PLANNING COMMISSION.

g. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

h. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

i. Where the land covered by a Subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the Final Plat, and such transfer certified to the PLANNING COMMISSION by the COMMUNITY Recorder.

j. No single lot shall be divided by a municipal or county boundary line.

k. A lot shall not be divided by a road, alley, or other lots.

6. Storm Drainage and Flood Plains.

Complete drainage systems for the entire Subdivision area shall be designed by a professional ENGINEER, licensed in the State of Utah and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be provided with the Preliminary Plat, and appropriate development stages for the drainage system for each section indicated.

a. The Drainage and Flood Plain Systems shall be designed to:

1. Permit the unimpeded flow of natural water courses.
2. Ensure adequate drainage of all low points.
3. Ensure applications of the following regulations regarding development in designated flood plains.

b. The Use of Land in Flood Plains shall be limited as follows:

1. Construction of buildings shall not be permitted in a designated floodway with a return frequency of 100 years or more.
2. Building construction may occur in that portion of the designated floodway where the return frequency is less than 100 years provided the main floor space is constructed above the designated maximum probable flood level and provisions are made in the design and construction of the buildings to prevent entry of flood waters into the lower levels.
3. Where floodway velocities are generally determined to be under five (5) feet per second and maximum flood depth will not exceed three {3} feet, such uses as cultivated agriculture, nurseries,

parks and recreation facilities and accessory parking may be permitted.

4. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and sewage disposal systems not completely protected from inundation.

5. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and filling operations in a designated floodway constitutes an encroachment and must be approved by the ENGINEER and the PLANNING COMMISSION before any work is done.

6. No lot one (1) acre or less in area shall include flood lands. All lots more than one (1) acre shall contain not less than twenty thousand (20,000) square feet of land which is at an elevation at least one (1) foot above the elevation of one hundred (100) year recurrence interval flood, or, where such data is not available, three (3) feet above the elevation of the maximum flood record.

c. The Design of the Storm System shall:

1. Consider the drainage system as a whole and shall include:

- a. Runoff from the Subdivision area.
- b. Where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the Subdivision.
- c. The effects of the storm waters on lands downstream.

2. Include all facilities necessary to accommodate that quantity of water attributable to a storm having a minimum hundred(100) year frequency.****

- a. Gutter capacities will be limited to that flow which will not create a hazard, damage or flood adjacent properties and which can be safely intercepted at the inlets.
- b. Storm water inlets and catch basins shall be provided within the roadway improvements at points approved by the ENGINEER.
- c. No ditch or canal shall be approved as suitable for the disposal of storm drainage water without the written permission of the appropriate ditch, canal company or of the water users of said ditch or canal. No ditch or canal shall be used for storm water disposal unless adequately improved to handle such water as might be reasonably expected to flow in the canal or ditch as irrigation water, the Subdivision

runoff water, and any other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The SUBDIVIDER shall remove such waterways from property to be dedicated before the submission of the Final Plat.

d. Complete design calculations shall be submitted with the plans for the storm sewer system.

7. Sewage Disposal.

Sanitary Sewage Disposal - General Requirements - Except as otherwise provided below, the SUBDIVIDER shall provide, or have provided, a piped sanitary sewage system to the property line of every lot in the Subdivision. The sewage system shall meet the minimum standards and requirements of the DISTRICT SANITARIAN, the State Division of Environmental Health, and this Code.

a. Sanitary Sewer Mains, Laterals, and House Connections.

1. All sewer mains shall be a minimum of eight (8) inches in diameter and shall be designed with adequate capacity for the current and future development.
2. All sewer laterals and house connections shall be a minimum of four (4) inches in diameter.
3. Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the Subdivision area within a reasonable time, the PLANNING COMMISSION may require the installation and capping of sanitary sewer mains and house connections by the SUBDIVIDER, in addition to the installation of temporary individual on-lot sanitary disposal systems.

b. On-Site Sewage Disposal.

1. Septic tanks will be approved only when an existing sanitary sewer system more than five hundred (500) feet from the boundary of the Subdivision.
2. Whenever individual septic tanks are proposed as sanitary sewage disposal systems, the SUBDIVIDER shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such Subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building permit shall be issued until such installation is assured.
3. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a

minimum depth of six (6) feet from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least fifteen hundred (1500) feet from any shallow water supply well and one hundred (100) feet from any stream or water course, and at least two hundred (200) feet from any major live stream; at least ten (10) feet from any dwelling or property line and shall not be subject to flooding or inundation.

4. Septic tanks, absorption fields, absorption beds, and pits shall comply with the current standards and regulations of the DISTRICT SANITARIAN and/or Utah State Division of Health and they shall not be an acceptable mode of sewage disposal unless approved in writing by the DISTRICT SANITARIAN and/or the State Division of Health.

8. Water in Sufficient Quantity to be Obligation of SUBDIVIDER. The procurement of water, whether by purchase of water rights, water shares, exchange, or service agreement, shall be the responsibility of the SUBDIVIDER. Water shall be provided for the exclusive use of the Subdivision in an amount sufficient to meet the following flow standards, unless it can be proved to the PLANNING COMMISSION that a lesser amount is adequate.

a. Total quantity of water available for each lot:****

1. A minimum of 292,000 gallons per year per dwelling unit for the first 10,000 square feet of lot area. Approximately two-thirds of this water shall be available for use during the months of May through October. Each additional 10,000 square feet of lot area shall require an additional 225,000 gallons which shall be available for use during the months of May through October.

2. The distribution system shall be designed to deliver the above quantities of water at a minimum pressure of 40 psi. In no case shall the capacity of the system be less than 1.1 gallons per minute per dwelling unit in addition to the water required for fire suppression.

b. Where a separate secondary water system is available at each lot:

1. A minimum of 146,000 gallons per year per dwelling unit.

2. The distribution system shall be designed to deliver the above quantity of water at a minimum pressure of 40 psi. In no case shall the capacity of the system be less than 0.55 gallons per minute per dwelling unit in addition to the water required for fire suppression.

c. Design calculations. When requested, complete design calculations shall be furnished to the ENGINEER.

9. Culinary Water System.

a. The culinary water facility shall extend to the property line of

every lot and shall be capable of delivering the required flow. All water mains shall be a minimum of eight (8) inches in diameter. The storage capacity of reservoirs shall provide a minimum of 800 gallons for each dwelling unit in addition to the required storage for fire suppression.****

b. Fire hydrants shall be installed in accordance with the Paradise Town construction standards.****

1. Located such that any single dwelling unit would be more than three hundred fifty (350) feet from the nearest fire hydrant when measured along the most probable access route.

10. Secondary Water Systems.

a. A pressurized secondary water system for irrigation shall be piped to the Subdivision and made available for the full and beneficial use of each lot owner.****

b. All pressure irrigation systems in a proposed Subdivision shall be identified and otherwise color coded as to pipe and valve color to meet State standards and regulations.

c. The capacity of the pipe system shall be adequate to serve the demand of the Subdivision.

d. Plans and specifications for the system must be approved in writing by the agency furnishing the water and the ENGINEER.

e. Turnouts or valves must be located on each lot.

f. Where an existing irrigation system consisting of open ditches is located on or adjacent to a proposed Subdivision, complete plans for relocation or covering and other safety precautions shall be submitted with an application for Preliminary Approval of a plat.

g. The open ditches or canals shall not be allowed within or adjoining a Subdivision except when fenced along rear or side lot lines. The SUBDIVIDER shall work with irrigation, drainage or ditch companies as to:

1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the Subdivision.

2. The size of pipe and culverts required.

3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public road or proposed public roads, specifications and grades for pipe or culvert must be approved by the ENGINEER.

11. Safety Fences.

The SUBDIVIDER shall install a six (6) foot, non climbable chain link fence, or its equivalent, along all open ditches, canals or waterways, non access streets, open reservoirs or bodies of water, railroad right-of-way and other such features of potentially hazardous nature, crossing or contiguous to the property being subdivided, except on those features which the PLANNING COMMISSION shall determine would not be a hazard to life.

V - 3 Drawing Standards

The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style.

The construction plans shall be submitted in triplicate (minimum) with two (2) approval sets to be retained by the ENGINEER and one (1) approval set returned to the SUBDIVIDER. This set shall be kept available at the construction site. Specifications shall accompany the plans where pertinent.

The plans and designs shall meet the standards and specifications as hereinafter outlined. The minimum information required on drawings for public works improvements are as follows:

A. Plans and Profiles - Plans and profiles and all construction drawings shall be submitted in triplicate on 24" x 26" drawings. Drawings shall have 1 1/2 inch border on left and 1/2 inch border on the three remaining sides. All drawings shall be complete, clear, and legible and shall conform to the accepted standards of the profession. Illegible or poorly drawn drawings shall be returned without action and will be considered as having received a preliminary review. In general, the following should be included on drawings:

1. North arrow (plan).
2. Scale, bench mark datum and elevations including the location of permanent bench marks and their true elevations according to U.S.G.S. or the COMMUNITY'S datum. All profiles and construction drawings shall be drawn using true elevation.
3. Complete data for field layout and office checking.
4. Stationing and elevations for profiles.
5. Title block, located in lower right corner of sheet to include:
 - a. Name of City.
 - b. Project title (Subdivision, etc.).
 - c. Specific type and location of work.
 - d. Space for approval signature of local ENGINEER and date.

e. Name of Engineer or firm preparing drawings with license number and sealed by the responsible Engineer.

6. "As Built Drawings" shall be reproducible on mylar, or linen and shall be furnished to the ENGINEER upon completion of the improvements. The COMMUNITY will retain the improvement guarantee until such plans have been furnished in a manner acceptable to the ENGINEER.

All printing and drawing shall be done using black India Ink with clear, legible and uniformly sized letters, numbers and lines. The size of the lettering, and width of lines shall vary according to the needs of clarifying and identifying the various items constructed and establishing clear and concise vertical and horizontal control.

7. Plan and profile drawings will include details of curb and gutter; sidewalks; street cross sections; locations and elevations of manholes, catch basins, storm sewers and their appurtenant works; elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sanitary sewer mains, their grades and type of pipe (rubber gasket mandatory); manholes, cleanouts; and other appurtenant works. The drawing shall include the details for a non-culinary (irrigation) water system indicating size, location and kind of pipe, valves, and turnouts. All stationing must coincide with existing stationing as shown on existing COMMUNITY drawings. Equations will not be approved except at street intersections where the stationing of the intercepting street will be shown as well as the stationing of the intercepted street.

B. Curb and gutter, drains and drainage structures, sidewalks and street surfacing drawings should show:

1. Scale: 1"=50' horizontal, 1"=5' or 10' vertical.

2. Profiles shall indicate finished and existing grades for the centerline and each side of the street at the curb-gutter line, and shall extend a minimum of 200 feet beyond the limits of the proposed project. Cross-sections shall be provided when requested by the ENGINEER.

3. Stationing and top of curb elevations with curve data must be shown for all curb returns and at least one additional control point for elevations besides those at the P.C. and P.T. shall be indicated on the plans and staked in the field to insure drainage at the intersections.

4. Type of cross drainage structures at intersections with adequate flow line elevations.

5. B.M. location and elevation (use U.S.C. and G.S. datum where possible).

6. Type of curb and gutter and distance back to back of curb.
7. Elevations for the top of curbs and road centerlines shall be shown on the plans for all P.C.'s, P.T.'s and at BVC's and EVC's.
8. Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curve is 200 feet unless otherwise approved.
9. Street monuments to be installed by the SUBDIVIDER'S Engineer or land SURVEYOR and shall be designated on the final drawings and approved by the ENGINEER. The monuments must be accurately set at the approved locations prior to release of the escrow account.
10. The SUBDIVIDER'S Engineer will, when requested by the ENGINEER, furnish copies of the field notes relating to any or all of the work prepared or done.

C. Sewer drawings should show:

1. Scale: 1"=50' or 1"=100' horizontal, 1"=5' or 1"=10' vertical.
2. Location, size and grade of pipe.
3. Location and elevation of catch basins and all appurtenant facilities.
4. Manhole size, location and flow elevation.
5. Type of pipe (rubber gasket joints required).
6. B.M. location and elevation.

D. Culinary and secondary water drawings should show:

1. Scale (not specified).
2. Size and location of water mains, valves, fittings and hydrants.
3. Kind of pipe.
4. Minimum cover.

E. Detail Drawings - Each set of plans shall be accompanied by a separate sheet of structure details which are to be constructed. All structures shall be designed in accordance with minimum standards of these specification drawings requirements:

1. Drawing size: 24" x 36".
2. Scale of each detail.
3. Title block, lower right hand corner (same format on all sheets) including the name of the SUBDIVIDER.

4. Completely dimensioned and described.

F. Sketch Plan - The sketch plan shall be consisted of a drawing on 24 x 36 inch tracing vellum. Drawings shall have a 1 1/2 inch margin on the left and 1/2 inch margin on the three remaining sides. The drawing may be in pencil but shall be clear and legible. The plan shall include the following:

1. The name of the proposed subdivision.
2. The name, home, and business address of the developer.
3. The name and business address of the project designer and/or Engineer.
4. The dimensions, area, and general location of the site.
5. North point, or arrow, pointing to the left or top of sheet.
6. Locations of existing buildings.
7. Locations and names of existing streets and general location of proposed streets.
8. Public and private easements related to site.
9. Survey monuments.
10. Water courses and impoundments.
11. Location and description of existing vegetation.
12. Storm water disposal facilities; location and size of utility service (water, sewer, power, gas, telephone cable) lines; location and type of proposed sewage disposal facilities; type of water system proposed; location of all other proposed on-site and off-site improvements.
13. Topographic contours from existing data such as U.S.G.S quads.
14. Soils and geologic map indicating soils types, their boundaries, and any known geologic hazards such as fault zones, unstable soils, etc.
15. Vicinity map.
16. Name and address of property owners within 300 feet of proposed subdivision.
17. Adjacent properties and names of owners.
18. Existing zoning.

G. Preliminary Plat - The Preliminary Plat shall be drawn to a scale on standard 24 inch by 36 inch paper. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Plat submission:

1. The proposed name of the Subdivision.
2. Where the plat submitted covers only a part of the SUBDIVIDER'S tract, or is part of a larger vacant area. The plat shall show the location of the Subdivision as it forms part of a larger tract of parcel. In such case, a sketch of the prospective future street system of the unplanned parts shall be submitted and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.
3. Sufficient information to locate accurately the property shown on the plat.
4. A boundary traverse map of the perimeter of the proposed subdivision. The surveying shall have an error of closure of not greater than one part in 10,000. The boundary survey and traverse shall be certified by a land surveyor, registered to practice in the State of Utah.
5. A vicinity map showing perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within one half (1/2) mile distance of the perimeter of the proposed plat. Scale not less than one inch equals two thousand feet.
6. The names and addresses of the SUBDIVIDER, the ENGINEER or SURVEYOR of the Subdivision, and the owners of the land immediately adjoining the land to be subdivided.
7. Proposed changes to existing zoning district boundaries or zoning classifications, if any.
8. Existing conditions:
 - a. Existing sanitary sewers, storm drains, water supply mains and culverts within the tract or within 500 feet thereof.
 - b. The location, widths and other dimensions of proposed lots, streets, alleys, easements, parks, and other open spaces with proper labeling of spaces to be dedicated to the public.
 - c. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within 600 feet of the

boundary thereof, showing whether recorded or claimed by usage; the location and principal dimensions for all water courses including ditches, canals and natural drainage channels, public utilities and other important features and existing structures within the land and adjacent to the tract to be subdivided, including railroads, exceptional topography, airports and approaches to the airport.

d. The location of existing bridges, culverts, surface or subsurface drainage ways, areas subject to occasional flooding, marshy areas, swamps, utilities, buildings, pumping stations or appurtenances, within the Subdivision or within 300 feet thereof.

e. The location of the nearest elevation bench mark and survey control monument.

f. The owners of the land immediately adjoining the land to be subdivided and the boundary lines of adjacent tracts of unsubdivided land, showing ownership and property monuments.

g. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of level topography through a Subdivision, one foot (1') contours may be required.

h. A soils report prepared by a registered civil engineer, soil engineer, or engineering geologist, that certifies to the types of soils, the geologic hazards, development restrictions, and suitability of the area for subdivision development.

i. Copies of any agreements with adjacent property owners relevant to the proposed Subdivision and the substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.

9. Proposed development:

a. Lot and street layout.

b. Dimension of all lots to nearest foot (which may be scaled values).

c. Total acreage of entire proposed Subdivision.

d. Lots and blocks numbered consecutively.

e. Locations and identification of all existing and proposed public and private easements.

- f. Existing and proposed street names.
- g. Street plans to show proposed grades, curb-gutter, and sidewalks.
- h. Typical street cross sections.
- i. Proposed water facilities including pipe diameters, valve locations, fire hydrant locations, water sources, water rights, reservoirs, pumps and design calculations.
- j. Excavation or grading of areas requiring in excess of three foot cut or fills.
- k. Proposed sanitary and storm sewer systems indicating pipe diameters, location of detention ponds, manholes, inlets and other pertinent appurtenances with the design calculations.
- l. Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred (100) years.
- m. The plat shall be drawn to a scale not less than one (1) inch equals one hundred (100) feet, and shall indicate the basis of bearings, true north point, name of Subdivision, name of municipality, township, range, section, and quarter section, block and lot number of the property under consideration.
- n. An affidavit that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the proposed Subdivision.
- o. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses.
- p. Sites, if any, for multi-family dwelling, shopping center, community facilities, industry, or other uses, exclusive of single-family dwellings.
- q. Proposed phases of development. All development and improvements to be continuous and contiguous to abutting developments.

10. Plat format: The Preliminary Plat and drawings shall be prepared in the same format as the Final Plat and shall include the following instruments signed or to be signed and dated:

- a. SUBDIVIDER'S engineer and/or surveyor's signature and seal.
- b. Owner's approval.

- c. PLANNING COMMISSION approval.
- d. ENGINEER'S approval.
- e. DISTRICT SANITARIAN'S approval.

V - 4 Plat Drawing Requirements

A. Final Plat - The Final Plat shall consist of a sheet of approved tracing linen to the outside of trim line dimensions of 24 inches by 36 inches on the border line of the plat shall be drawn in heavy lines leaving a space of at least 1 1/2 inches on the left side and at least 1/2 inch margin on other sides. The plat shall be so drawn that the top of the drawing faces either North or East, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen or mylar with approved waterproof blue ink or black "India Drawing Ink". The plat shall be made to a scale large enough to clearly show all details and in any case not smaller than 100 feet to the inch. The workmanship on the finished drawing shall be neat, cleancut and readable. The Final Plat shall contain the following information:

1. The Subdivision name which must be approved by the PLANNING COMMISSION and the general location of the Subdivision in bold letters at the top of the sheet.
2. A north point scale and graphic scale of the drawing and the date.
3. The description of land to be included in the Subdivision.
4. Accurately drawn boundaries, showing the bearings and dimensions of all boundary lines of the Subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines. When the plan is bounded by an irregular shore line of a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plan included all land to the water's edge as established on the date of the survey. Accurate angular and linear dimensions shall be shown for all lines, angles and curves used to describe boundaries, streets, lots, easements, areas to be reserved for public use and other important features.
5. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
6. True angles and distances to the nearest established street lines or official monuments which shall be accurately described on the plat and shown by appropriate symbol.
7. Radius, internal angles, points of curvature, tangent lengths and bearings, long tangent and bearings, the length of all arcs and the lengths of each intercepted arc.

8. The accurate location of all monuments to be installed shown by an appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be shown and shall be preserved in precise position.

9. The surveying, calculations, angular data, linear dimensions and bearings shall be limited to an error of closure of not greater than one part in 10,000.

10. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions.

11. All lots and blocks are to be numbered consecutively under a definite system approved by the PLANNING COMMISSION. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street naming and numbering system. Each lot shall show the street address assigned thereto. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.

12. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.

13. All lands within the boundaries of the plan shall be accounted for either as lots, walkways, streets, or reserved as excepted parcels. Excepted parcels shall be marked "not included in this development" and the boundary completely indicated by bearings and distances.

14. All streets, walkways, and easements, shall be designated as such and streets shall be named and/or numbered as required by the PLANNING COMMISSION.

15. Parcels not contiguous shall not be included in one plat. Contiguous parcels owned by different parties may be embraced in one plat provided all owners join in dedication and acknowledgement.

16. A dedication to the COMMUNITY of all streets and highways included in the proposed Subdivision.

17. Street monuments shall be installed by the SUBDIVIDER'S Engineer or land SURVEYOR at such points designated on the Final Plat as are approved by the ENGINEER. Standard monuments will be furnished by the SUBDIVIDER and placed as approved.

18. Pipes or other such iron markers as shall be placed at each lot corner prior to final approval.

B. The instruments to be included on the Final Plat are as follows:

1. The registered professional ENGINEER and/or land SURVEYOR'S "Certificate of Dedication".
2. The Owner's Certificate of Dedication.
3. A Notary Public's acknowledgement.
4. The ENGINEER'S Approval.
5. DISTRICT SANITARIAN'S Approval.
6. The PLANNING COMMISSION'S Approval.
7. The ATTORNEY'S Approval.
8. The Paradise Town Council Approval.
9. Signature for the PRESIDING OFFICIAL and attestation by the COMMUNITY Recorder.
10. An occupancy restriction.

c. Form of instruments.

1. The form of the professional SURVEYOR'S or ENGINEER'S certificate shall be substantially as follows:

SURVEYOR'S CERTIFICATE

I, _____, a registered professional engineer and/or land surveyor, hold Certificate No. _____, as prescribed by the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herewith, and have subdivided said tract of land into lots and streets to be hereafter known as _____, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this _____ day of _____, 2_____

_____ Registered Land Surveyor

2. The form of the owner's dedication shall be substantially as follows:

OWNER'S DEDICATION

Know all by these presents that we, the undersigned owners of the described tract of land below, having caused the same to be subdivided into lots and street to hereafter be known as, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend, and save the city harmless against any easements or other encumbrances on the dedicated streets which will interfere with the city's use, operation, and maintenance of the streets and do further dedicate the easements as shown.

In witness thereof, we have hereunto set our hands this _____ day of _____, 2_____

Signed _____ Signed _____

ACKNOWLEDGEMENT

STATE OF UTAH

County of _____

On the _____ day of _____ A.D., 2_____ personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, the signer of the above Owner's Dedication, _____ in number, who dully acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

NOTARY PUBLIC

Residing at _____

My Commission expires: _____

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH

County of _____

On this the _____ day of _____ A.D., 2_____ personally appeared before me, the undersigned NOTARY PUBLIC, in and for the State and County _____, who after being duly sworn, acknowledged to me that _____, a _____ Corporation, that _____ signed the Owner's Dedication freely and voluntary for and behalf of the corporation for the purpose therein mentioned and that the corporation executed the same.

NOTARY PUBLIC

Residing at _____

My Commission expires: _____

3. The form of the occupancy restriction shall be substantially as follows:

OCCUPANCY RESTRICTION

_____ has an ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy a building located within this subdivision without first having obtained a certificate of occupancy issued by the COMMUNITY Building Inspector.

4. The form of the approvals and certificate shall be substantially as follows:

CITY PLANNING COMMISSION APPROVAL

Approved this _____ day of _____ A.D., 2_____
by the PARADISE TOWN PLANNING COMMISSION.

_____ CHAIRMAN

ATTORNEY'S APPROVAL AS TO FORM

Approved as to form this _____ day of _____ A.D.,
2_____

_____ ATTORNEY

DISTRICT HEALTH DEPARTMENT APPROVAL

Waste Disposal System and Culinary Water System Approval this _____
day of _____ A.D., 2_____

_____ DISTRICT SANITARIAN

PARADISE TOWN BOARD APPROVAL AND ACCEPTANCE (GOVERNING BODY)

Presented to the PARADISE TOWN COUNCIL, this _____ day
of _____ A.D., 2 _____ at which time this Subdivision was approved
and accepted.

ATTEST: _____

RECORDER _____ PRESIDING OFFICIAL AND TITLE _____

ENGINEER'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct
and in accordance with the information on file in this office.

_____ 2 _____ DATE _____ ENGINEER

COUNTY'S SURVEYOR'S CERTIFICATE

I certify that I have had this plat examined and find that it is correct
and in accordance with the information on file in this office.

_____ 2 _____ DATE _____ COUNTY SURVEYOR

COUNTY RECORDER NO.

State of Utah, County of _____, recorded and filed at the request
Of _____ Date _____ Time _____
Fee _____ Abstracted _____ Index _____

Filed: _____ COUNTY RECORDER _____

D. "As Built" Drawings - After all required improvements have been
satisfactorily installed and approved by the ENGINEER, and as a
requirement of "Conditional Acceptance", the SUBDIVIDER shall furnish a
mylar, linen copy of linen original of all construction drawings. These
drawings shall show the "as constructed" condition of all improvements.

SECTION VI: CLUSTER SUBDIVISIONS - SPECIAL PROVISIONS

VI - 1 DESIGN STANDARDS

The design of the Preliminary and Final Plats of the Subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning elements of the master plan that has been adopted by the PLANNING COMMISSION and approved by the Paradise Town Council. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character. The subdivider must maintain the overall density of the zone in which the cluster subdivision is approved.

VI - 2 PROVISION FOR COMMON OPEN SPACE

The SUBDIVIDER of a cluster Subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the Subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefit to future residents of the Subdivision, surrounding residents and the general public.

The PLANNING COMMISSION may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners. Where the intent of the master plan and town ordinances are being met to the fullest extent, additional lots may be approved by the Planning Commission and Town Council.

VI - 3 GUARANTEE OF COMMON OPEN SPACE IMPROVEMENTS

As assurance of completion of common space improvements, the SUBDIVIDER at the request of the Paradise Town Council, shall be required to file with the COMMUNITY a escrow account, or other agreement, in a form satisfactory to the ATTORNEY guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a escrow account or other agreement has been filed, the SUBDIVIDER shall call for inspection by the PLANNING COMMISSION, such inspection to be made within fifteen (15) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the escrow account or surety therefore shall be released. If the escrow account or surety are not released, refusal to release and reasons therefore shall be given the SUBDIVIDER in writing.

VI - 4 CONTINUATION OF COMMON OPEN SPACE

An assurance of continuation of common open space used in accordance with the plans approved by the PLANNING COMMISSION, the SUBDIVIDER shall grant to the COMMUNITY an "open space easement" on and over the common open space prior to the recording to the Final Plat, which easement will not

give the general public the right of access but will provide that the common open space remains open.

VI - 5 PRESERVATION, MAINTENANCE, AND OWNERSHIP OF OPEN SPACES

The preservation, maintenance, and ownership of Open Spaces within subdivision development shall be accomplished by:

A. Dedication of the land to the Local Jurisdiction as a public park or parkway system, including a certificate of title insurance; or

B. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, with ownership and maintenance being the responsibility of Owners Association established with articles of association and by-laws which are satisfactory to the Paradise Town Council; or

C. Granting to the Local Jurisdiction a permanent, open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in recreational or park use, to be maintained from the proceed of perpetual maintenance trust fund established by the developer in an amount satisfactory to the Paradise Town Council; or by

D. Complying with the provisions of the Condominium Ownership Act of 1963 Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities and requires that the SUBDIVIDER, prior to the recording of the Final Plat, shall cause to be incorporated under the laws of the State of Utah, a lot owner association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall, among other things, be provided:

A. That membership in the association shall be mandatory for each lot purchaser, their guaranties, successors and assignees.

B. That the common open space restrictions shall be permanent and not just for a period of years.

C. That the association be responsible for maintaining liability insurance, paying general property taxes and maintaining recreational and all other facilities.

D. That all lot owners shall pay their pro-rata share of the costs of upkeep, maintenance, and operation.

E. That any assessment levied by the associations may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.